
(2020) 08 JH CK 0146
In the Jharkhand High Court
Case No : Cr.M.P. No. 3380 of 2019

Kalyani Kumari Devi @ Kalyani Kumari @ Kalyani Devi
Vs

APPELLANT

State of Jharkhand And Ors

RESPONDENT

Date of Decision : 21-08-2020

Acts Referred:

Citation : (2020) 08 JH CK 0146

Hon'ble Judges : Anil Kumar Choudhary, J

Bench : Single Bench

Advocate : Arup Kr. Dey, Anchito Sen

Final Decision : Disposed Of

Judgement

Heard the parties through Video Conferencing.

Since both these criminal miscellaneous petitions have been filed for cancellation of bail granted to the opposite parties arising out of the same complaint case no. 205 of 2017 of the court of Chief Judicial Magistrate, Bokaro, hence, both these petitions are disposed of with this common order.

It is submitted by the learned counsel for the common petitioner in both the cases, that the opposite party no. 2 of Cr.M.P. No. 3380 of 2019, is the father-in-law of the petitioner and opposite party no. 2 of Cr.M.P. No. 3396 of 2019 is the husband of the petitioner. It is next submitted by learned counsel for the petitioner that the opposite party no. 2 of Cr.M.P. No. 3380 of 2019 was given privilege of anticipatory bail vide order dated 17.01.2019 in ABA No. 5745 of 2018 and the opposite party no. 2 of Cr.M.P. No. 3396 of 2019 was given privilege of anticipatory bail vide order dated 19.02.2019 in ABA No. 6219 of 2018 with the condition that neither the petitioner nor his family member will disturb or annoy the complainant in any manner nor will they tamper with the evidence or threaten any witness of the complainant during the pendency of the case. It is next submitted by learned counsel for the petitioner that after the both opposite parties of these cases, were released on bail in compliance of the

said orders of this Court passed in the said anticipatory bail applications, the petitioner of these two criminal miscellaneous petitions went to Bokaro for attending Original suit no. 13 of 2016 filed by the opposite party no. 2 of Cr.M.P. No. 3396 of 2019 for dissolution of his marriage with the petitioner and the opposite party no. 2 of Cr.M.P. No. 3396 of 2019 threatened the petitioner and tried to create pressure upon her and in this respect, the petitioner submitted an application before the Superintendent of Police on 31.07.2019. It is next submitted by learned counsel for the petitioner that the petitioner of these two criminal miscellaneous also submitted an informatory application to the SDO, Bokaro regarding the said incident. It is next submitted that the petitioner due to threat and mental harassment of opposite party no. 2 of Cr.M.P. No. 3396 of 2019 apprehending danger to her life, hence, it is submitted that the bail granted to the opposite party nos. 2 of these two petitions be cancelled. It is fairly submitted by learned counsel for the petitioner that except the incident of 31.07.2019, there is no other incident for seeking cancellation of bail of the opposite parties. It is further submitted by learned counsel for the petitioner that on 29.08.2019, there was mediation between the parties, which failed. It is lastly submitted by the learned counsel for the petitioner that the bail granted to the opposite party no. 2 of both the cases be cancelled.

Learned counsel for the opposite party no. 2 in both cases, on the other hand submits that after lodging of complaint by the petitioner to the Superintendent of Police, an investigation was done by police and subsequently, on 15.09.2019, a report was submitted by police wherein, it has been stated that the allegation levelled against the opposite party no. 2 is false. It is further submitted by learned counsel for the opposite party no. 2 in both cases, that the allegation of single instance of an alleged act of aggression, committed by the opposite party no.2 of Cr.M.P. No. 3396 of 2019, even which was found to be false upon investigation by police does not give rise any cause of action for cancellation of bail and thus, there is no plausible reason to cancel the bail granted the opposite party no. 2 of both cases. Hence, it is submitted that these two criminal miscellaneous petitions being without any merit be dismissed.

Having heard the submissions made at the Bar, and after going through material in the record, it is crystal clear that the sole allegation of threatening given by the opposite party no. 2 of Cr.M.P. No. 3396 of 2019 to the petitioner of these criminal miscellaneous petitions found to be false upon investigation conducted by the police and though more than a year has elapsed, after the said alleged occurrence, no such further occurrence has alleged to have been committed by the opposite party no. 2 of either of the cases. It is a settled principle of law that the grounds of cancellation of bail broadly are:- (a) interference or attempt to interfere with the due course of administration of justice; or (b) evasion or attempt to evade the course of justice; or (c) abuse of liberty granted to the accused; as has been held in the case of Raghbir Vs. State reported in 1986 SCC (Cr) 511. Since the sole occurrence of allegedly committed by the O.P. No. 2 of Cr.M.P. No. 3396 of 2019, for which the cancellation of bail is sought for, was

found to be not true after due investigation in the case by the police, hence I am of the opinion that this is not a fit case where prayer for cancellation of anticipatory bail, as prayed for, be made. Hence, these petitions being without any merit, are dismissed.

However, the opposite party no. 2 of Cr.M.P. No. 3380 of 2019 and the opposite party no. 2 of Cr.M.P. No. 3396 of 2019 are directed not to disturb or annoy the petitioner of this case, in any manner during the pendency of the case.

These criminal miscellaneous petitions are disposed of accordingly.