

IN THE COURT OF SESSIONS JUDGE, GONDIA.

SESSIONS CASE No.104/2022

State of Mah. .vs. Hardik Lilhare

ORDER BELOW EXH.7

(Passed on 28.04.2025)

By the present application, the informant prayed for cancellation of the bail granted to the accused as per order in Misc. Criminal Application No.188/2022 in crime No. 107/2022, registered at Police Station Rawanwadi for the offence punishable under sections 376(2)(n), 354(A), 354(C), 506 of the Indian Penal Code vide order dated 15.06.2022 contending that the accused committed breach of the conditions of the bail, contending that the accused is harassing the informant. The accused is repeatedly threatening the informant, for which the informant have lodged various reports on 14.03.2023, 23.05.2023, 31.01.2023 and 12.10.2022.

2. All the above reports have been registered as non-cognizable offence punishable under sections 504, 506 of the Indian Penal Code and N.C. register slip with intimation to approach the Court was given to the informant. Recently also the informant was threatened, but the police did not register the case and also refused to issue the N.C. report and therefore, the present application.

3. Learned APP filed say below application contending that offence is serious one, that the accused violated the terms

and conditions and threatened the informant. Therefore, prayed for canceling the bail to the accused.

4. The accused filed say on the application itself through his advocate, strongly objecting the application contending that the contention is false and bogus, no incident occurred as alleged and prayed to reject the application.

5. Heard learned advocate for accused, learned advocate for the informant and learned APP for the State/prosecution. Perused the application along with the say filed. Also perused the documents filed with the application.

6. Perusal of the bail order shows the following conditions were imposed while granting bail to the accused vide order dated 15.06.2022 in Misc. Criminal Application No.188/2022

“2.(i)	The applicant shall not threaten or influence the witnesses and shall not contact the victim by any means.
(ii)	The applicant shall not reside in the locality where the victim resides.
(iii)	The applicant shall attend the concern Police Station as and when directed by the I.O. and cooperate in the investigation till filing of the charge sheet.
3.	Application is disposed of.”

7. The documents produced below list Exh.6-C are 4

N.C. reports. The first report is dated 31.09.2023 for the offence under section 504, 506 of IPC registered as N.C. Similar is the position of reports dated 23.05.2023, 12.10.2022 and 14.03.2023. However, there is no allegation in detail mentioned with the reports. What report was filed is also not appended with the N.C. slips given by the Police Station. Further it is stated at bar that no complaint on the basis of the intimation given, is filed in the Court. I had called the accused in the Court. He denied of having contacted the informant and the alleged harassment or threats given by him. It is his case that, in fact, he is being harassed by filing of such N.C. reports and every time he is called in the Police Station by the police persons. Leaving his work, he has to go there. He has also filed on record Pursis with an undertaking that he abide by each and every conditions and undertake to abide the same in future also. Also, understanding is given by the Court to the accused to scrupulously and fully comply with the condition, otherwise his bail may be cancelled in future and his trial will be tried as an under trial accused.

8. In view of above, for want of any further evidence as to whether in fact some incident occurred as has been listed in the N.C. reports and even upon intimation given by the Police station to the informant that she may proceed against the accused in the Court of law, as the offences lodged by her, were not cognizable. There is no action on her part by filing

complaint case. In this view of the matter, it cannot be positively stated that in fact, there is breach of the terms and conditions imposed while granting bail to the accused. However, a strict warning is already given to the accused which the advocate for the accused present, also states that the accused will fully comply. In view of above, at this juncture, I do not find it necessary to cancel the bail of the accused. Hence, application deserves to be rejected. However, with a caution that, if in future any such report is filed and material is produced, the bail granted to the accused may be liable to be cancelled. In view of above, order is passed.

ORDER

Application Exh. 7 stands rejected.

Sd/-

Dated : 28.04.2025

(R. N. Joshi)
Sessions Judge, Gondia.