

ORDER BELOW EXH. 85

1. Perused record. Heard learned A.P.P.
2. This is an application for cancellation of bail granted by this court, stating that accused breached the condition of bail order pertaining to tampering the evidence and threatening to witnesses. It is averred in the application that accused sent some text messages to first informant on her cellular phone, as mentioned in the application. If we perused the contents of these messages it cannot be said that they are either threat or tampering or in any sense constituting breach of an order.
3. For exercising such option there requires very strong case. It is also doubtful whether for cancellation of bail this court has jurisdiction or not? Learned A.P.P. in this regard relied on Section 437(5) of Code of Criminal Procedure. But, the said aspect is also not covered by this provision as this court is of the opinion that there is no such extreme necessity, hence order -

ORDER

Application is rejected.

Sd/-

KUDAL

(KOMALSING RAJPUT)

DATE – 01 /07 /2017

J.M.F.C. KUDAL, DIST. SINDHUDURG