

In The Court of Additional Sessions Judge, Court No.-3, Azamgarh

PRESENT: Shri Ajay Srivastava (H.J.S.)

(J.O. Code UP 2403)

UPAZ010090842025



Criminal Misc. Cases/1544/2025

1. Urmila Chauhan aged 43 years W/o Panna lal Chauhan, Sakin Jaheerpur, Thana-Nizamabad, District-Azamgarh.

.....Applicant

Vs.

1. State of U.P.

2. Rahima Bano aged about 50 years W/o Masihuddin Sakin Village Satuvahiya, Thana-Phoolpur, District-Azamgarh.

.....Opposite parties

Judgement

1. Criminal Misc. Bail Cancellation Application No. 1544 of 2025. This Criminal Misc. Bail Cancellation Application has been filed under Sections 439(2), 437(5) Cr.P.C to cancel the bail order 2441/2024 dated 11.06.2024 to O.P. No. 2 in Case Crime no. 226/2023 under Sections 419, 420, 467, 468, 471 IPC, Thana-Kotwali, District- Azamgrah.

2. Brief facts giving rise to the bail cancellation application is that the applicant has submitted that O.P. has obtain bail application by submitting false information before the court and regarding her age as well as her educational status. There is definitely civil dispute going on between parties in which numerous orders has been passed. The O.P. No. 2 Rahima Bano is misusing and abusing the bail granted to her on 11.6.2024. Thus, in the light of the averments the anticipatory bail granted to the accused/opposite party should be cancelled.

3. While arguing on merit learned Counsel for the applicant has submitted taht the opposition no. 2 is harassing the witnesses of the present case and has

submitted a false information regarding the submission of chargesheet before the Court concerned. She is definitely not following procedure and conditions laid down in the anticipatory bail and thus, bail granted to her through bail no. 2441 of 2026 dated 11.6.2024 should be cancelled.

4. Per contra, Learned A.D.G.C. has vehemently opposed the above mentioned bail cancellation application submitting that the ground taken by the applicant is misconceived and general in nature and no specific allegations has been mentioned against the applicant.

5. Similarly, Counsel for the opposite party No. 2 has also opposed the bail cancellation application stating that objections raised against the accused is misconceived and the applicant has given false allegations against the O.P. No. 2. Thus, the Bail Cancellation application filed by the applicant should be dismissed.

6. Heard counsel for the parties and perused the record.

7. Perusal of the record shows that bail cancellation application as mentioned is provided in Section 439(2).

8. In its numerous judgements Hon'ble Supreme Court has submitted that grant of bail and cancellation of bail are two different things and bail once granted should not be cancelled on merely technical and superficial grounds.

9. In **Dolat Ram and Others Vs State of Haryana (1995)1 SCC 349**, the Hon'ble Supreme Court has observed as ***“Rejection of bail in a non-bailable case at the initial stage and the cancellation of bail so granted, have to be considered and dealt with on different basis. Very cogent and overwhelming circumstances are necessary for an order directing the cancellation of the bail, already granted. Generally speaking, the grounds for cancellation of bail, broadly (illustrative and not exhaustive) are: interference or attempt to, interfere with the due course of administration of justice or evasion or attempt to evade the due course of justice or abuse of the concession granted to the accused in any manner. The satisfaction of the Court, on the basis of material placed on the record of the possibility of the accused absconding is yet another reason justifying the cancellation of bail. However, bail once granted should not be cancelled in a mechanical manner without considering whether any supervening circumstances have rendered it no longer conducive to a fair trial***

to allow the accused to retain his freedom by enjoying the concession of bail during the trial.”

10. In the light of the averments made above this court is of view that grounds taken by the counsel applicant are mere superficial. She has not clearly stated as to which witness has been threatened by the O.P. No. 2. Also, she has not clearly mentioned that chargesheet has not been filed (as mentioned by the applicant.)

11. Grant of bail is matter relating to personal liberty of the applicant and bail once granted should not be cancelled on mere technical grounds. Even though the applicant has submitted that the O.P. No. 2 is not following conditions imposed while granting the bail on 11.6.2024, but perusal of the file shows that she has clearly not stated much evidence against averments regarding bail cancellation, so bail cancellation application filed by the applicant is misconceived and should be dismissed.

12. Thus, the bail cancellation application filed by the applicant lacks merit and is liable to be dismissed.

ORDER

Criminal Misc. Bail Cancellation Application No. 1544 of 2025 is dismissed. Bail granted to the O.P. no. 2 dated 11.06.2024 in Case Crime No. 226 of 2023 under Sections 419, 420, 467, 468, 471 IPC, Thana- Kotwali, District- Azamgarh is upheld.

File of the criminal misc. bail cancellation application should be consigned to the Record Room after necessary proceedings.

Dated: 13.07.2026

(Ajay Srivastava)
Additional Sessions Judge
Court No. - 3, Azamgarh
J.O. Code U P 2403

Judgement signed, dated and pronounced today, in the open court.

Dated:13.07.2026

(Ajay Srivastava)
Additional Sessions Judge
Court No. - 3, Azamgarh
J.O. Code U P 2403