

Pallavi Roy Vs State and anr.

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SooperKanoon Citation : sooperkanoon.com/904572

Court : Delhi

Decided On : Aug-10-2010

Judge : Mr. Sanjiv Khanna, J.

Appeal No. : CRL.M.C. 2160/2007

Appellant : Pallavi Roy

Respondent : State and anr.

Advocate for Def. : Ms. Fizani Hussain, Mr. A.K. Bajpai , Mr. M.F. Khan, Advs.

Advocate for Pet/Ap. : Mr. J.S. Lamba , Mr. Rishabh Bhutani, Advs.

Judgement :

ORDER

1.Respondent No.2 was granted bail in FIR No.261/2007 under Sections 307/506 Indian Penal Code vide order dated 9th May, 2007. The petitioner thereafter moved an application for cancellation of bail, which was rejected vide order dated 21st May, 2007. This order records that the Investigating Officer had submitted that both parties were creating disturbance and taking law into their hands as a result of which proceedings under Sections 107/150 and 151 Code of Criminal Procedure, 1973 had been filed against both the parties.

2. The present petition was filed on or about 31st May, 2007 and has remained pending since then. Delhi Police has filed status report in response to this petition.

In the said status report it is pointed out that FIR No.313/2007 was registered on the directions made by the Metropolitan Magistrate on the basis of a private complaint, which was made by Ms. Usha Gupta wife of the respondent No.2. In the said case, charge sheet has been filed against eleven persons including the petitioner under Sections 147/149/323/426/34 Indian Penal Code. The case is now fixed for arguments on charge before the trial court.

3. With regard to the respondent No.2, it is stated that he has been acquitted in three cases and in one case cancellation report has been filed. Four more cases, which were registered in the year 2006 and 2007, are pending trial or investigation. No fresh case has been registered against respondent No.2 after 2007.

4. It appears that Delhi Police has initiated externment proceedings against respondent No.2 and the said respondent has filed a writ petition before the High Court, which is pending adjudication.

5. The petitioner has relied upon some complaints, which were made in May 2007, in support of his contention that respondent No.2 is abusing and misusing the bail. Respondent No.2, on the other hand, has denied the said allegation and has submitted that there are inter se disputes as the respondent No.2 is the builder, who has constructed flats and sold them to the petitioner and other apartment owners. He has made submitted that disputes have arisen because of maintenance charges/running cost of common facilities.

6. The petitioner, however, has not filed copy of any complaint after 2007.

7. No new complaint has been made after the allegations, which were made in May, 2007. The petitioner has been on bail since May, 2007 till today. Keeping in view the facts and circumstances of the case, I do not see any reason to cancel the bail granted to respondent No.2 vide order dated 9th May, 2007. The petition is dismissed.