

**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. CrImnl Bail Cancell No. 22 / 2017

Smt. Manisha Gurjar W/o Shri Laxmi Narayan, By Caste Gurjar,
Resident of Sirohi Road District Sirohi. At Present Nurse Grade-II,
CHC Pindwara District Sirohi.

-----Petitioner

Versus

1. The State of Rajasthan

2. Jai Prakash S/o Subhash Chandra, By Caste Brahmin, Resident
of in Front of Zila Udyog Kendra, Sirohi. At Present Male Nurse,
CHC Pindwara District Sirohi.

-----Respondents



For Petitioner(s) : Mr. Suresh Gaur

For Respondent(s) : Mr. JP Bhardwaj, PP

Mr. Yogendra Singh Charan, for private
respondent

HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA

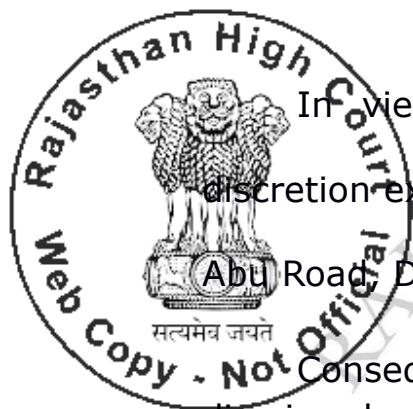
Judgment / Order

20/11/2017

Instant application for cancellation of bail has been filed relating to the bail granted vide order dated 22/03/2017 by the learned Addl. Sessions Judge No.2, Abu Road, District Sirohi.

The considerations for grant of bail and the considerations for cancellation of bail are differently outlined and laid down under Section 439 and 439(2) Cr.P.C. and it is not necessary that the considerations which may be relevant for the grant of bail would be the same for the purpose of cancellation of bail. Law in this regard has been succinctly laid down by the Apex Court in the case of Nityanand Raj Vs. State of Bihar & anr.: AIR 2005 (SC) 2239 wherein it has been held as under:-

"8. Having considered the argument advanced on behalf of the appellant and respondent, we think the High Court was not justified in considering the application for cancellation of bail as if it was an application for grant of bail. Consideration of an application for grant of bail stands on a different footing than one for cancellation of bail. Grounds for cancellation of bail should be those which arose after the grant of bail and should be referable to the conduct of the accused while on bail, such is not the case made out in application for cancellation of bail."



In view of what has been observed herein above, the discretion exercised by the learned Additional District Judge, No.2, Abu Road District Sirohi does not call for interference.

Consequently, the present applicant for cancellation of bail is dismissed.

(SANJEEV PRAKASH SHARMA)J.

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