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2026:CGHC:40225-

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HIGH COURT OF CHHATTISGARH AT BILASPUR

WPCR No. 39 of 2025

- Kunal Mangatani S/o Shri Santosh Kumar Mangatani, Aged About 21 Years R/o Kashiram Nagar, Shraddha Ashram, Ps Telibandha, Raipur District - Raipur Chhattisgarh.
- ... Petitioner**

versus

- 1 - State Of Chhattisgarh Through Chief Secretary, Government Of Chhattisgarh, Atal Nagar, Naya Raipur, District Raipur, Chhattisgarh.**
- 2 - The Director General Of Police, Police Head Quarter, Atal Nagar, Naya Raipur, District Raipur, Chhattisgarh.**
- 3 - The Inspector General Of Police, Raipur Division, Raipur, District Raipur, Chhattisgarh.**
- 4 - The District Magistrate Raipur, Office Of Collector Raipur, District Raipur, Chhattisgarh.**
- 5 - The Superintendent Of Police, Raipur, District Raipur, Chhattisgarh.**
- 6 - The Police Station New Rajendra Nagar, Through Sho, Police Station, New Rajendra Nagar, Raipur, District Raipur, Chhattisgarh.**
- 7 - The Sub Division Magistrate City, Raipur, District Raipur, Chhattisgarh.**
- 8 - Devendra Patel, Sub Division Magistrate City, Raipur, District Raipur, Chhattisgarh.**
- 9 - Jitendra Tamarkar, Sho, Police Station, New Rajendra Nagar, Raipur, District Raipur, Chhattisgarh.**

... Respondents

For Petitioner	:	Mr. Ashish Gangwani, Advocate
For State	:	Mr. Shubham Bajpayee, Panel Lawyer

DB: Hon'ble Shri Justice Narendra Kumar Vyas &

Hon'ble Shri Justice Sudhir Kumar

Order on Board

15.09.2026

Per Narendra Kumar Vyas, J.

1. The petitioner has filed this petition under Article 226/227 of the Constitution of India alleging that he has been illegally arrested from 11.12.2024 to 12.12.2024 which amounts to infringement of the personal liberty and dignity guaranteed under Article 21 of the Constitution of India by the respondents No. 8 & 9, as such, he has claimed compensation to the tune of Rs. 5,00,000/-.
2. The brief facts, as reflected from the record, are that an Istagasha proceeding was initiated against the petitioner by Police Station New Rajendra Nagar, Raipur, under Sections 170/126 and 135 of the BNSS. The said Istagasha was placed before the Sub-Divisional Magistrate, City Raipur, who, upon consideration thereof, ordered the arrest of the petitioner on 11.12.2024 at about 2:50 p.m. and also directed the petitioner to furnish a bond of Rs. 20,000/- along with a surety of the like amount for maintaining peace. Thereafter, the petitioner's mother was informed about his arrest.
3. Learned counsel for the petitioner would submit that the petitioner was produced before the Sub-Divisional Magistrate, whereupon respondent Nos. 8 and 9 passed a peremptory order under Section 130 of the BNSS on 11.12.2024, directing the petitioner to furnish a surety of Rs. 20,000/- along with the bond, which was to remain valid for a period of six months. He would further submit that since the petitioner was not in a position to furnish the requisite amount, he moved an application on

11.12.2024 itself seeking his release on a personal bond, however, the said application was considered by the Sub-Divisional Magistrate on 12.12.2024, and thereafter the petitioner was released. He would further submit that the detention of the petitioner from 11.12.2024 to 12.12.2024 was illegal and would further submit that the Sub-Divisional Magistrate ought to have considered the application seeking release on a personal bond on the same day, i.e., 11.12.2024. and according to him, the failure to do so resulted in violation of the petitioner's fundamental right and amounted to illegal detention and incarceration and would pray that the petitioner be awarded compensation.

4. On the other hand learned counsel for the State would submit that the Sub-Divisional Magistrate had passed an order directing the petitioner to furnish a bond of Rs. 20,000/- along with a surety of the like amount, and there was no occasion for the Sub-Divisional Magistrate to recall the said order and permit the petitioner to be released on a personal bond. He would further submit that the Sub-Divisional Magistrate, upon being satisfied with the circumstances of the case, had imposed the aforesaid condition, which was neither excessive nor beyond the jurisdiction vested in him, therefore, no interference by this Court in exercise of its jurisdiction under Article 226 of the Constitution of India is warranted.
5. We have heard learned counsel for the parties and perused the record.
6. From a perusal of the record, it is evident that the learned Sub-Divisional Magistrate passed a peremptory order on 11.12.2024, directing the petitioner to furnish a bond of Rs. 20,000/- along with a surety of the like amount. The said order was required to be complied with immediately, and only upon such compliance the petitioner could

be released from custody and the petitioner contends that the requisite application was submitted on 11.12.2024 itself. However, there is no material available on record to demonstrate that the said application was, in fact, filed on 11.12.2024 and in the absence of any such material, the said contention cannot be accepted.

7. Even otherwise, once the Sub-Divisional Magistrate had passed the order imposing the aforesaid condition, there was no occasion for him to recall or modify the same in the absence of any specific power conferred upon him in that regard. Nevertheless, the Sub-Divisional Magistrate, taking a lenient view of the matter and having regard to the circumstances, subsequently altered the condition. Such action, in the facts and circumstances of the present case, cannot be said to be per se illegal so as to warrant interference by this Court in exercise of its jurisdiction under Article 226 of the Constitution of India.
8. In view of the foregoing, this Court is of the considered opinion that the petitioner himself failed to comply with the order passed by the learned Sub-Divisional Magistrate. Consequently, he cannot contend that his detention during the aforesaid period was illegal or that the same was attributable to any unlawful action on the part of the said authority.
9. Accordingly, we find no ground for interference in the present matter. The petition, being devoid of merit, is liable to be and is hereby dismissed.

**Sd/-
(Narendra Kumar Vyas)
Judge**

**Sd/-
(Sudhir Kumar)
Judge**