

**NAFR**

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**Cr.M.P. No. 1152 of 2016**

State of Chhattisgarh through the Station House Officer, Police Station  
Pali, District – Korba, Chhattisgarh

**---- Petitioner**

**Versus**

1. Rasiya Singh Kanwar S/o Anjor Singh Kanwar, aged about 41 years,  
R/o Village Podibahar, Niharika Area, Korba, Tahsil & District – Korba,  
Chhattisgarh
2. Dinesh Rathore S/o Lakeshwar Prasad Rathore, aged about 29 years,  
R/o Quarter No. 10, M. Q. 53, Shaktinagar, Dipka, Tahsil - Katghora,  
District – Korba, Chhattisgarh
3. Shankar Das Mahant S/o Sukhan Das Mahant, aged about 44 years,  
R/o Indira Nagar, Pali, Tahsil Pali, District – Korba, Chhattisgarh
4. Ajay Jaiswal S/o K. L. Jaiswal, aged about 40 years, R/o Laluram  
Colony Lalunagar, Tahsil & District – Korba, Chhattisgarh

**---- Respondents**

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| For Petitioner | : | Shri Ashish Shukla, Govt. Advocate |
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**Hon'ble Shri Justice P. Sam Koshy**

**Order on Board**

**04/11/2016**

The present petition has been preferred under Section 439 (2) of CrPC whereby the State has questioned the granting of bail to the respondents vide order dated 21.07.2015 by the Special Judge (SC/ST Act), Korba in bail application no. 468 of 2015.

2. In the said case, the respondents have been alleged to be prosecuted for the offence punishable under Sections 354(A), 186, 147, 148 of IPC, Section 3 (1) (xi) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and Sections 7 & 8 of the Protection of Children from Sexual Offences Act.

3. The respondents in the present case were granted bail on 21.07.2015. The present petition for cancellation of bail under Section 439 (2) of CrPC

has been filed by the State only on 20.09.2016 i.e. after about one year three months from the date the respondents were granted bail.

4. The sole contention raised by the Govt. Advocate for cancellation of bail is the rejection of the application under Section 439 of CrPC preferred by co-accused Ganraj Singh Kanwar by this High Court in M.Cr.C. No. 4029 of 2015 on 04.09.2015.

5. The fact to be noted that the ground raised by the State seeking for cancellation of bail is the order of this High Court which itself was passed more than one year ago and for all this one year the State had not felt it proper to file a petition seeking cancellation of bail in the light of the rejection of bail application of co-accused Ganraj Singh Kanwar on 04.09.2015 by this Court.

6. The delay itself in filing of the present petition is a crucial factor which has gone in favour of the accused respondents. Further, the delay has not been properly explained nor does this Court find the rejection of the bail application of co-accused to be a strong ground for cancellation of the bail granted to the respondents in the present petition after about one year and three months.

7. For the aforesaid reasons, the present petition being devoid of merit deserves to be and is accordingly dismissed.

Sd/-

**(P. Sam Koshy)**  
**Judge**