

HIGH COURT OF CHHATTISGARH, BILASPURCRMP No. 1122 of 2019

- Naresh Adwani S/o Ratan Adwani Aged About 50 Years R/o Chakarbhata, Police Station Chakarbhata, Bilaspur, District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Applicant

Versus

1. State Of Chhattisgarh Through The Station House Officer, Police Station Sarkanda, District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh
2. Jagdeep Singh Khanuja S/o Sammukh Singh Khanuja Aged About 32 Years R/o R-8/12, Rama Vallery, Bodri, Police Station Chakarbhata, District Bilaspur Chhattisgarh. (Accused), District : Bilaspur, Chhattisgarh

---- Non-applicants

For Applicant : Shri Amit Kumar, Advocate.
For Non-applicant No.1 : Ms. Sangeeta Mishra, Govt. Advocate

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

07.05.2019

1. This Cr.M.P. has been filed under Section 439(2) of the Cr.P.C. preferred by the applicant before this Court seeking cancellation of the bail order granted to Non-applicant No. 2 Jagdeep Singh Khanuja by the Additional Sessions Judge, Bilaspur vide order dated 06.04.2019 in Criminal Revision No. 66/2019.
2. Case of the prosecution, in brief is that Non-applicant No. 2 Jagdeep Singh Khanuja is facing trial under Section 420 IPC. On 26.11.2018 charge under Section 420 IPC was framed against him. First date which was fixed for prosecution evidence is 10.12.2018. Within 60 days from 10.12.2018 trial was not concluded. Non-applicant No.2 filed application under Section 437(6) of the Cr.P.C. for his release on bail which was rejected by the trial Court on 02.03.2019.
3. Being aggrieved, non-applicant No. 2 filed a revision before the revisional Court. The revisional Court passed an order on 06.04.2019 holding that the order of the trial Court is not in accordance with the law and facts. Revisional Court passed bail order in favour of the non-applicant No.2.
4. In brief the case of the applicant Naresh Adwani is that the impugned order of the revisional Court is contrary to the law. Order passed by the trial Court is not perverse. Number of cases are pending against the non-applicant No.2. Thus, the impugned order of the revisional Court may be set aside and the bail order may be cancelled.
5. It cannot be said that order of the revisional Court is without ground. Prima facie it cannot be said that the revisional Court has violated any settled legal position. Prima facie it cannot be said that said order is perverse.
6. The trial Court has observed that the prosecution has raised apprehension that non-applicant No.2 may tamper the evidence but trial Court is unable to show what is the prima facie evidence which was available on record on the strength of which it can be said that non-applicant No.2 may tamper the evidence. The fact that number of the cases have been pending against non-applicant No. 2 neither raised before the trial Court nor before the revisional Court. Thus, it cannot be raised first time in this Court.
7. Looking to the above mentioned facts and circumstances of the case, this Court finds that the revisional Court has not committed any illegality. Thus, this Court dismisses this application in limine in motion hearing stage.
8. Accordingly, the Cr.M.P. stands dismissed.

Sd/-
(Sharad Kumar Gupta)
JUDGE