

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 1507 of 2019**

- Durgesh Sahu S/o Late Bali Ram Sahu Aged About 21 Years R/o Village Khurdur, Kargi Road, Kota, Police Station Kota, District Bilaspur Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Station House Officer, Police Station Kota, Bilaspur Chhattisgarh
2. Manoj Sahu S/o Budhram Sahu Aged About 41 Years R/o Village Khurdur, Police Station Kota, Bilaspur Chhattisgarh
3. Murli Manohar S/o Manturam Sahu Aged About 36 Years R/o Village Khurdur, Police Station Kota, Bilaspur Chhattisgarh

---- Respondents

For the petitioner	:	Mr. Malay Shrivastava, Adv.
For respondent No.1/State	:	Mr. Ravi Maheshwari, P. L.
For respondents No.2 and 3	:	Mr. Dharmesh Shrivastava, Adv.

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****06.02.2020**

1. Heard.
2. In brief the petitioner's case is that he is son of deceased Baliram Sahu. Respondents No.2 and 3 are the accused in the case of murder of deceased Baliram Sahu. This Court has enlarged the respondents No.2 and 3 on bail. Now they are misusing the bail. If the bail of said respondents No.2 and 3 are not cancelled then they may commit any other offence against the family members of the said deceased. Hence, the bail of said respondents No.2 and 3 may be cancelled.
3. Counsel for the petitioner argued that respondents No. 2 and 3 had abused the family members of deceased on 28/04/2019. Respondent No.2 Manoj Sahu had abused and given threats to kill the brother of deceased namely Maniram Sahu and Gulshan Sahu at village Chherkabandha. He drew my attention on Annexure A-2 the

photocopy of the application of Maniram Sahu addressed to S.H.O. Kota.

4. Counsel for the respondents submitted that nothing was happened and there is no ground for cancellation of bail. Counsel for the respondents No. 2 and 3 further submitted that all the prosecution witnesses have been examined and case is fixed for accused statement.
5. A report was called from the S.H.O., Kota. As per his report no bad incident was happened. Against the petitioner and respondents No.2 and 3 complaint case under Section 107, 116 has been registered.
6. In the matter of **Mehboob Dawood Shaikh V. State of Maharashtra** (2004) 2 SCC 362 Hon'ble Supreme Court has observed in Para No.8 which is quoted herebelow:-

“ It is, therefore, clear that when a person to whom bail has been granted either tries to interfere with the course of justice or attempts to tamper with evidence or witnesses or threatens witnesses or indulges in similar activities which would hamper smooth investigation or trial, bail granted can be cancelled. Rejection of bail stands on one footing, but cancellation of bail is a harsh order because it takes away the liberty of an individual granted and is not to be lightly resorted to”.

7. Prima facie it does not appear that respondents No.2 and 3 are trying to interfere with the course of justice or they are attempting to tamper with the evidence or witnesses or they had threatened any witness or indulged in similar activities which would hamper smooth trial. Thus this Court prima facie finds that there is no substance in instant CRMP.
8. Instant CRMP is deserves to be and is hereby dismissed.

Sd/-

(Sharad Kumar Gupta)
Judge

Parul