

**NAFR**

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**CRMP No. 113 of 2021**

1. Pappu Farishta S/o Late Shri Gulam Ali Farishta, Aged About 58 Years, R/o Indrawati Colony, Police Station Civil Lines, Raipur, District Raipur (C.G.).

**----Applicant**

**Versus**

1. State Of Chhattisgarh Through The Police Station Civil Lines, Raipur, District Raipur (C.G.).
2. Sharukh Quereshi S/o Shri Mohammad Hanf Quereshi, Aged About 27 Years, R/o Nayapara, Dabri, Tehsil And District Raipur (C.G.).

**---- Non-Applicants/Respondents**

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|-----------------------|---|----------------------------------|
| For Applicant         | : | Mr. Manharan Lal Sahu, Advocate. |
| For Respondents/State | : | Mr. Sameer Uraon, Govt. Advocate |

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**Hon'ble Justice Shri Gautam Chourdiya**  
**Judgment On Board**

**08/02/2021**

- 1) Heard on admission.
- 2) The applicant has filed the instant CRMP under Section 439(2) read with Section 482 of the Code of Criminal Procedure, 1973 for setting aside the order dated 01/01/2021 passed by 1<sup>st</sup> Additional Sessions Judge, Raipur, District Raipur in Bail Application No. 2110/2020 granting bail to respondent No. 2 Sharukh Quereshi who was arrested on 01/10/2020 in connection with crime No. 382/2020 registered at Police Station Civil Lines, Raipur, District Raipur for the offence punishable under Section 420 of Indian Penal Code.
- 3) Learned counsel for the applicant submits that charge sheet has already been filed in this case and as per the charge sheet and

the material filed with the charge sheet involvement of the Respondent No. 2 Sharukh Quereshi in the crime in question prima facie stands proved. He submits that the applicant is still having all the data in his possession and he can misuse the same and therefore the bail granted to the Respondent No. 2 Sharukh Quereshi by the Trial Court is liable to be cancelled.

- 4) From the perusal of the impugned order it is seen that the learned Additional Sessions Judge considering the facts and circumstances of the case, the fact that charge sheet has already been filed, the accused is in jail since 01/10/2020, the offence alleged is triable by Judicial Magistrate First Class, there is no likelihood of his absconding and further keeping in view the rapid increase of COVID-19 cases, granted the bail to the accused by imposing certain conditions. It is well settled principle of law that parameters for grant of bail and cancellation of bail are quite different. In this case, the applicant has failed to show that Respondent No. 2 Sharukh Quereshi is in any manner misusing the liberty granted to him by the Trial Court or tampering with the evidence or intimidating or influencing the witnesses acquainted with the facts of the case or preventing them from disclosing such facts to the Investigating Officer or any other authority. Therefore, this Court finds no reason for cancellation of bail granted to Respondent No. 2 Sharukh Quereshi by the Trial Court. Accordingly, the CRMP being without any substance is liable to be dismissed and is **dismissed** as such at the admission stage itself.

**-Sd/-  
(Gautam Chourdiya)  
Judge**