

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

(Proceedings through Video Conferencing)

Cr.M.P. No. 259 of 2021

- Jagbandhu Sonwani S/o Shri Puniram Sonwani, aged about 34 years, occupation – Agriculture, Presently working as Sarpanch at Gram Panchayat Paraskol, R/o Village Paraskol, Police Station Kosir, Tahsil – Sarangarh, District Raigarh (C.G.)

---- Petitioner

Versus

1. State of Chhattisgarh, Through District Magistrate, Raigarh, District Raigarh (C.G.), through the Station House Officer, Police Station Kosir, District Raigarh (C.G.)
2. Manaram Ratre S/o Shri Dayaram Ratre, aged about 58 years (wrongly mentioned as 70 years) R/o Village Gaydarha, Police Station Kosir, Tahsil Sarangarh, District Raigarh (C.G.)

---- Respondents

For Petitioner : Shri Roop Naik, Advocate

For State/Respondent No.1 : Dr.(Ms.) Veena Nair, Deputy Advocate General

Hon'ble Shri Justice Gautam Chourdiya, J

Order on Board

17.08.2021

1. Heard on admission.
2. The petitioner has preferred this petition under Section 439 (2) of the Cr.P.C. seeking cancellation of regular bail granted to respondent No. 2 in connection with Crime No. 117/2020 registered in Police Station Kosir, District Raigarh for offence punishable under Sections 341, 294, 506, 323, 326, 34 of IPC vide order dated 28.01.2021 passed by the Additional Sessions Judge, Sarangarh, District Raigarh (C.G.) in Bail Applicant No. 17/2021.
3. Case of the prosecution in brief is that the victim Jagbandhu Sonwani (petitioner herein) has lodged FIR against respondent No.2 and other accused persons that they attacked upon him with club and iron rod as a

result of which victim received grievous injuries in his legs, hands and head.

4. Learned counsel for the petitioner submits that respondent No.2 alongwith other accused have caused grievous injuries to the petitioner and they were trying to cause death of the petitioner. He further submits that the court below has granted bail in favour of respondent No.2 by giving reasons which are not sustainable in the eye of law. Since respondent No.2 is misusing the liberty granted to him by the trial Court, the present petition has been filed for cancellation of his bail.
5. It is a well settled principle of law that parameters for grant of bail and cancellation of bail are quite different. In this case, the petitioner has failed to show as to how respondent No. 2 is 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 Court. Considering the fact that the bail was granted to respondent No.2 by trial Court on 28.01.2021, further considering the entire facts and circumstance and the fact that similarly situated co-accused Tirithram has already been granted regular bail by the coordinate bench of this Court, this Court is not inclined to entertain the present Cr.M.P. for cancellation of regular bail granted to respondent No.2 by the trial Court. Accordingly, the present Cr.M.P. being without any substance is hereby dismissed at motion stage.

Sd/-
(Gautam Chourdiya)
Judge