

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

(Proceedings through Video Conferencing)

Cr.M.P. No. 344 of 2021

- Dharelal Divyakar, S/o Late Shri Latiram Divyakar, Aged about 63 years, R/o- Village – Khaira (K), P.S. - Kasdol, District- Balodabazaar-Bhatapara (C.G.)

---- Petitioner

Versus

1. State of Chhattisgarh, Through : Superintendent of Police, District, Balodabazaar-Bhatapara (C.G.)
2. Station House Officer, Police Station Kasdol, District – Balodabazaar-Bhatapara (C.G.)
3. Gorelal Sahu, S/o Ramsagar Sahu, Aged 53 years,
4. Chotelal Sahu, S/o Ramsagar Sahu, Aged 46 years,
5. Khileshwar Sahu, S/o Gorelal Sahu, Aged 27 years,
6. Vishal Sahu, S/o Chotelal Sahu, Aged 24 years,
7. Mukesh Diwakar, S/o Sundarlal Diwakar, Aged 30 years,
8. Deepak Kumar Sahu, S/o Madhoram Sahu, Aged 23 years,
9. Tej Prakash Sahu, S/o Tekram Sahu, Aged 32 years,
10. Shailendra Kumar Sahu, S/o Bansilal Sahu, Aged 19 years,
11. Khagesh @ Banti S/o Khushilal Sahu, Aged 20 years,

All R/o- Village- Khaira (K), P.S. Kasdol, District- Balodabazaar-Bhatapara (C.G.)

---- Respondents

For Petitioner	:	Shri Anchal Kumar Matre, Advocate
For State/Respondents 1 & 2	:	Shri Anand Verma, Deputy Government Advocate
For Respondents 3 to 11	:	Shri Sunil Sahu, Advocate

Hon'ble Shri Justice Gautam Chourdiya, J

Order on Board

31.08.2021

1. Heard.
2. The petitioner has preferred this petition under Section 439 (2) of the Cr.P.C. seeking cancellation of regular bail granted to respondents No. 3 to 11 in

connection with Crime No. 657/2020 registered in Police Station Kasdol, District Balodabazar-Bhatapara (C.G.) for offence punishable under Sections 294, 506, 323, 147 of IPC and Section 3 (1) (r), 3 (1) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act vide order dated 14.12.2020 passed by the Special Judge (Atrocities), Balodabazar (C.G.) in Special Case STSC No. 1292/2020. The petitioner had filed an application for cancellation of bail before the Special Judge (Atrocities), Balodabazar (C.G.) which was rejected vide order dated 09.02.2021.

3. Victim/Complainant Dharelal Divyakar (petitioner herein) has lodged FIR under Section 294, 506, 323, 147 of IPC and Section 3 (1) (r), 3 (1) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act against respondents 3 to 11 who were released on bail vide order dated 14.12.2020 passed by Special Judge (Atrocities) Balodabazar. Immediately after coming out on bail respondents 3 to 11 started threatening the petitioner/complainant and his witnesses on daily basis by creating nuisance in the village, which was informed on numerous occasion orally and in writing to Respondents 1 & 2 but no action was taken by them for stopping to them as private respondents are highly influential persons having strong political approach.
4. Learned counsel for the petitioner submits that the court below has granted bail in favour of respondents No. 3 to 11 by giving reasons which are not sustainable in the eye of law. Since respondents No. 3 to 11 are misusing the liberty granted to them by the trial Court, the present petition has been filed for cancellation of their bail.
5. Learned counsel for the State duly assisted the Court.
6. Learned counsel for respondents 3 to 11/accused submits that the allegations of threatening of witnesses and misuse of liberty by respondents 3 to 11 are totally false, whereas the respondents/accused are strictly complying with all the terms and conditions imposed on them by the trial

Court while releasing them on bail.

7. Heard learned counsel for the parties.
8. 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 respondents No. 3 to 11 are misusing the liberty granted to them 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 respondents No. 3 to 11 by trial Court on 14.12.2020, the charge-sheet has already been filed, further considering that all the offences are bailable except Sections under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, it is mentioned by trial Court in its order dated 09.02.2021 that there is political rivalry between the parties, there is no any reasons to cancel the bail granted in favour of respondents 3 to 11 by the trial Court, further the complaint made by the complainant, but no any material collected in this matter, this Court is not inclined to entertain the present Cr.M.P. for cancellation of bail granted to respondents No. 3 to 11 by the trial Court. Accordingly, the present Cr.M.P. being without any substance is hereby dismissed.

Sd/-
(Gautam Chourdiya)
Judge