



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION NO. 02 OF 2024

State of Maharashtra, Thru. PSO, PS Chandrapur City, Dist. Chandrapur
Vs.

Chandresh @ Chotu Deshraj Suryawanshi

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. S.M. Ukey, APP for applicant/State.

CORAM : RAJNISH R. VYAS, J.

DATE : 09.10.2025

Heard Mr. Ukey, learned Assistant Public Prosecutor appearing for the applicant/State. Though non-applicant/accused is served long back, none has put appearance for him.

2. Vide order dated 13.12.2024 one more opportunity was granted to the non-applicant to represent but today also, nobody is present.

3. Be that as it may, this is an application for cancellation of bail preferred by the State. It is the contention of the learned Assistant Public Prosecutor that First Information Report bearing Crime No.539/2021 was registered against the non-applicant for commission of offences punishable under Sections 307, 120-B and 201 of

the Indian Penal Code and Sections 3 and 25 of the Arms Act against the non-applicant.

4. Non-applicant, after rejection of his bail application by the Sessions Court, for grant of regular bail approached this Court by preferring Criminal Application (BA) No.459/2023, which came to be allowed vide order dated 26.07.2023. While releasing the non-applicant on bail, certain conditions were put including condition at Clause (iii), which is reproduced below :

“(iii) The applicant shall not enter in the jurisdiction of Chandrapur District, except for attending the dates in the trial Court.”

5. Condition No.(iii) mandates that the non-applicant/accused shall not enter in the jurisdiction of Chandrapur District, except for attending the dates in the trial Court.

6. Learned Assistant Public Prosecutor has invited my attention to page 19 which is the First Information Report dated 11.09.2023 bearing No. 938/2023 for commission of offences punishable under Sections 341, 294, 324, 323, 506 read with Section 34 of the Indian Penal Code. In the said First Information Report, one Vijay Nishad has named non-applicant as an accused by further stating that on 10.09.2023 when he

was at WCL ground near Ballarpur, three persons came on vehicle and abused so also assaulted informant therein. One of the person also said that he is don Chotu Suryawanshi. According to learned APP, investigation of said FIR No.938/2023 has culminated in filing of charge-sheet bearing CC No.97/2024.

7. Learned APP has also invited my attention to one more First Information Report bearing No.1113/2023 dated 26.10.2023 for commission of offences punishable under Sections 143, 147, 148, 149, 324, 323, 294 and 506 of the Indian Penal Code lodged by one Raj Kaithwas. In the First Information Report, in short, it was alleged that on 25.10.2023, when there was a festival of emergence of Goddesses Durga, at about 10.30 p.m., the non-applicant came on vehicle and assaulted the informant therein by means of fists and blows so also abused him in filthy language. This incident had taken place in Santoshi Mata Ward Ballarpur, District Chandrapur.

8. The aforesaid First Information Report was investigated and has resulted into filing of charge-sheet bearing CC No.3/2024. Thus, it is crystal clear from the aforesaid First Information Reports so also stand taken by the State in paragraph No.6 of the application that non-applicant/accused has entered Chandrapur District though directed otherwise.

9. Learned APP has also brought to my notice crime chart of the non-applicant at Page 29 and 30 which shows that several offences for bodily injury are registered against the non-applicant. It is thus crystal clear that non-applicant has breached condition. Since non-applicant has no respect for law, present application is allowed.

10. Bail granted vide order dated 26.07.2023 is cancelled. Non-applicant is directed to surrender within one week from today.

11. After dictating order in open Court, after ½ an hour Mr. R. M. Daga appeared for the non-applicant and stated that he has filed his Vakalatnama for non-applicant. He has argued that there is no breach of condition. He has also pointed out that the FIR registered against his clients are out of vengeance. Be that as it may, I have already stated that there is breach of condition and therefore, for the reasons stated, the application of State is allowed.

(Rajnish R. Vyas, J.)