



2025:CGHC:13649

AFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 611 of 2021

1 - Lokesh Agrawal S/o Shri Radha Kishan Agrawal Aged About 40 Years R/o Baldevbagh, Ward Bo. 16, Rajnandgaon Chhattisgarh.

2 - Anjay Surana S/o Phoolchand Surana Aged About 55 Years R/o Sharda Talkies, Indra Market Durg Chhattisgarh.

--- **Petitioner(s)**

versus

1 - The State Of Chhattisgarh Through Police Station Kotwali, Rajnandgaon Chhattisgarh.

2 - Dharendra Kumar Sharma S/o Late Shri Ramkhilawan Sharma Aged About 68 Years R/o Bramhanpara, Ward No. 38, Rajnandgaon City, Tahsil And Distt. Rajnandgaon, Chhattisgarh.

--- **Respondent(s)**

WITH

CRMP No. 615 of 2021

1 - Lokesh Agrawal S/o Shri Radha Kishan Agrawal Aged About 40 Years R/o Baldevbagh, Ward No. 16, Rajnandgaon Chhattisgarh

2 - Anjay Surana S/o Phoolchand Surana Aged About 55 Years R/o Sharda Talkies, Indra Market Durg Chhattisgarh

---**Petitioner(s)**

Versus





1 - The State Of Chhattisgarh Through Police Station Kotwali, Rajnandgaon Chhattisgarh

2 - Narendra Kumar Sharma S/o Ramkhilawan Sharma R/o Bramhanpara, Rajnandgaon Chhattisgarh

--- Respondent(s)

WITH

CRMP No. 632 of 2021

1 - Lokesh Agrawal S/o Shri Radha Kishan Agrawal Aged About 40 Years R/o Baldevbagh, Ward No. 16, Rajnandgaon Chhattisgarh., District : Rajnandgaon, Chhattisgarh

2 - Anjay Surana S/o Phoolchand Surana Aged About 55 Years R/o Sharda Talkies, Indra Market Durg Chhattisgarh

---Petitioner(s)

Versus

1 - The State Of Chhattisgarh Through Police Station Kotwali, Rajnandgaon Chhattisgarh., District : Rajnandgaon, Chhattisgarh

2 - Rajendra Kumar Sharma S/o Late Shri Ramkhilawan Sharma Aged About 79 Years R/o Bramhanpara, Ward No. 38, Rajnandgaon City, Tahsil And Distt. Rajnandgaon, District : Rajnandgaon, Chhattisgarh

3 - Smt. Sunita Sharma W/o Late Shri Raghvendra Kumar Sharma Aged About 61 Years R/o Bramhanpara, Ward No. 38, Rajnandgaon City, Tahsil And Distt. Rajnandgaon, District : Rajnandgaon, Chhattisgarh

4 - Koushal Kishore Sharma S/o Late Shri Raghvendra Sharma Aged About 42 Years R/o Bramhanpara, Ward No. 38, Rajnandgaon City, Tahsil And Distt. Rajnandgaon, District : Rajnandgaon, Chhattisgarh

--- Respondent(s)

(Cause title is taken from the CIS)



For Petitioner : Mr. Parag Kotecha, Advocate
For Respondent/State : Ms. Pragya Shrivastava, Dy. G.A.
For Respondent No.2 in CrMP No.615/2021 : Mr. Rakesh Kumar Thakur,
Advocate

Hon'ble Shri Justice Arvind Kumar Verma

Order on Board

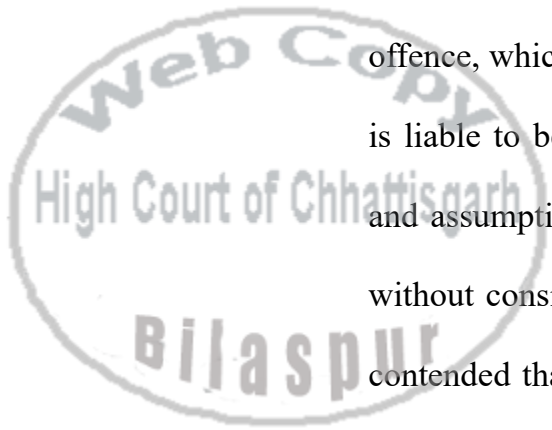
21/03/2025

1. Since all the petitions are arising out of common order they are being heard and decided by this common order.
2. These petitions have been preferred by the petitioner under Section 439(2) of the Code of Criminal Procedure to allow the petitions and reject the bail orders granted to respondents- Dharendra Kumar Sharma, Narendra Kumar Sharma, Rajendra Kumar Sharma, Smt. Sunita Sharma and Koushal Kishore Sharma by order dated 15.06.2021 passed in Crime No.312 of 2021 by the learned 2nd Additional Sessions Judge, Rajnandgaon (C.G.).
3. Relevant facts for disposal of these petitions are that the present application is cancellation of the bail of the respondents. The petitioner had paid Rs. 1,60,71,250 (Rupees One Corer Sixty Lakhs seventy one thousand and two hundred and fifty) to the respondents and co-owner of the property and admittedly the amount was received by the respondents and co-owner, but the respondents have cheated the petitioner by not complying their part of



agreement and file an application and taken the order of partition. Further documents which was provided to the petitioner like PAN Card, B1, names and surname are different, so from the inception of agreement, the respondents have an intention to cheat the petitioner and grab huge amount. The matter is under investigation and during investigation, various other Sections will be added against the respondents. This aspect had totally been overlooked by the learned trial Court and granted anticipatory bail to the respondents. Hence, these petitions.

4. Learned counsel for the petitioner contended that looking to the gravity of offence, which has been caused by respondents, bail order of the respondents is liable to be rejected. He further contended that only on the presumption and assumption, the application under Section 439 of Cr. P.C. was allowed without considering the material fact, by the learned trial Court. He further contended that the learned Session Judge had nothing discussed nothing on merits of the matter and without discussing the allegation levelled against the respondents, had granted the bail. He further contended that the matter is still under investigation and there is every chance during the investigation that an offence under Sections 406, 467, 468 and 471 IPC and other Section of Indian Penal Code will also be registered against the accused persons. It is also contended that the learned lower court has not considered that there is reasonable apprehension of tampering of the witness and the discretion exercise by the learned lower court in non-judicious manner and the order





pass is in such a causal manner and same is liable to be set aside. It is therefore, humbly and most respectfully prays that the Hon'ble court may kindly pleased to quash/set aside the order dated 15/06/2021 and other relief may be granted, which the Court deems fit under the facts and circumstance of the case.

5. On the other hand, learned counsel for the respondents submits that the order passed by the learned trial Court is just and proper needs no interference.

6. I have heard learned counsel for the parties and perused the material available on record with utmost circumspection.

7. On the issue with regard to rejection of bail and cancellation of bail already granted, the Hon'ble Supreme Court, in the matter of **Dolat Ram and others Vs. State of Haryana** reported in (1995) 1 SCC 349, has held in para 4, which reads as under:-

“4. Rejection of bail in a non-bailable case at the initial stage and the cancellation of bail so granted, have to be considered and dealt with on different basis. Very cogent and overwhelming circumstances are necessary for an order directing the cancellation of the bail, already granted. Generally speaking, the grounds for cancellation of bail, broadly (illustrative and not exhaustive) are : interference or



attempt to interfere with the due course of administration of justice or evasion or attempt to evade the due course of justice or abuse of the concession granted to the accused in any manner. The satisfaction of the court, on the basis of material placed on the record of the possibility of the accused absconding is yet another reason justifying the cancellation of bail. However, bail once granted should not be cancelled in a mechanical manner without considering whether any supervening circumstances have rendered it no longer conducive to a fair trial to allow the accused to retain his freedom by enjoying the concession of bail during the trial. These principles, it appears, were lost sight of by the High Court when it decided to cancel the bail, already granted. The High Court it appears to us overlooked the distinction of the factors relevant for rejecting bail in a non-bailable case in the first instance and the cancellation of bail already granted.

8. The Hon'ble Supreme Court in the matter of **Hazari Lal Das Vs. State of West Bengal and another** reported in **(2009) 10 SCC 652** held in para 7, which reads thus:-



“7. There is nothing on record that there has been interference or attempt to interfere with the due course of administration of justice by the appellant. It also does not appear from the record that the concession granted to him has been abused in any manner. No supervening circumstances have surfaced nor shown justifying cancellation of anticipatory bail. The judicial discretion exercised by the Sessions Judge in granting the anticipatory bail has been interfered with by the High Court in the absence of cogent and convincing circumstances. We are, thus, satisfied that the impugned order cannot be sustained.”

9. Considering the facts and circumstances of the case, submission of learned counsel for the petitioner, pleadings made in the petition, further keeping in view the principles of law laid down by the Hon'ble Supreme Court in the aforesaid decisions on the issue of cancellation of bail, this Court finds no such reason or supervening circumstance so as to warrant cancellation of bail granted to the accused. It is clear from the order dated 15.06.2021 that bail was granted by the trial Court to the accused persons considering the totality of the facts of the case. Though the counsel has contended that the accused is misusing the liberty granted to them and are not following the terms and conditions imposed upon them, but has not brought on record any such thing



which could substantiate his aforesaid contention and make out a *prima facie* case for cancellation of bail.

10. Accordingly, the instant petitions being without any substance is hereby dismissed.
11. However, it is made clear that this Court has not expressed any opinion on the merits of the case.

Sd/-

(Arvind Kumar Verma)
Judge

Vasant

