



2026:CGHC:3303



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRMP No. 229 of 2026

Prateek Shukla S/o Sudarshan Shukla Aged About 32 Years R/o
Shivrinarayan, District : Janjgir-Champa, Chhattisgarh

... **Petitioner**

versus

1 - State Of Chhattisgarh Through- The Station House Officer, Police Of
Police Station Shivrinarayan, District – Janjgir-Champa, Chhattisgarh

2 - Niraj Tiwari S/o Chhedilal Tiwari Aged About 42 Years R/o Tendua, Police
Station And Tahsil Shivrinarayan, District : Janjgir-Champa, Chhattisgarh

---- **Respondents**

For Petitioner : Mr. Vivek Singhal, Advocate.

For Respondents/State : Ms. Smriti Shrivastava, Panel Lawyer.

Hon'ble Shri Ramesh Sinha, Chief Justice
Order on Board

20.01.2026

1. Heard Mr. Vivek Singhal, learned counsel for the petitioner. Also heard Ms. Smriti Shrivastava, learned Panel Lawyer, appearing for respondents/State.
2. The present petition is for cancellation of the anticipatory bail granted to the respondent No. 2 - **Niraj Tiwari**, as he was enlarged on anticipatory bail by an order dated 16.12.2025 in MCRCA No. 1910/2025.
3. The respondent No.2 had preferred anticipatory Bail Application under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, for grant of



anticipatory bail, in connection with Crime No. 270/2025, registered at Police Station – Shivrinarayan, District – Janjgir-Champa (C.G.) for the offences punishable under Sections 109(1), 115(2), 296, 3(5) and 351(3) of BNS.

4. Learned counsel for the petitioner submits that the respondent No.2 after being granted bail by this Court, on 31.12.2021, has threatened the witness of the present case namely Ramchandra Sahu not to depose against him and thereafter Ramchandra Sahu lodged a written complaint against the respondent No.2 before the Police Station Shivrinarayan, District – Janjgir-Champa (C.G.). Therefore, the anticipatory bail granted to the respondent No. 2, be cancelled.
5. On the other hand, learned counsel appearing for the respondents/State vehemently opposes the prayer of the instant petition filed by the petitioner. It is submitted that this Court has granted anticipatory bail to the respondent No. 2/accused vide order dated 16.12.2025 in MCRCA No. 1910/2025, and there appears to be no any infirmity and jurisdictional error while passing the same. Therefore, the application is completely frivolous and deserves to be rejected.
6. Heard learned counsel for the respective parties. Perused the order of this Court granting anticipatory bail to the accused person dated 16.12.2025 in MCRCA No. 1910/2025.
7. From the perusal of entire records of this petition and the documents do not suggest that the petitioner is able to project any valid reason for cancellation of bail with respect to the touchstone of principle laid down by the Supreme Court. The Hon'ble Supreme Court in its order dated



20.02.2025 passed in **Criminal Appeal No. 861/2025 [Kailash Kumar vs. State of Himachal Pradesh and Anr.]** while setting aside a High Court ruling cancelling bail of an accused, has observed here as under:

“Suffice to observe, liberty of an individual being a precious right under the Constitution, the Courts ought to be wary that such liberty is not lightly interfered. We are satisfied that there was no valid reason for the High Court to cancel the bail without there being any material to show, even prima facie, that conduct of the appellant post grant of bail has been such that he should be deprived of his liberty. There are also no allegations of influence being exerted or threat extended to the witnesses or of tampering the evidence. Material to demonstrate that dilatory tactics have been adopted to procrastinate the trial is also conspicuous by its absence.”

It is settled principle that very cogent and overwhelming circumstances are necessary for an order directing the cancellation of bail already granted.

8. In the instant case, from the perusal of documents it transpires that the pleadings are not supported with a minimum proof that the respondent No. 2 is trying to tamper with the evidence or are creating obstructions in fair & impartial trial so as to create a very cogent and overwhelming situation for cancellation of bail.
9. Furthermore, the anticipatory bail granted can only be cancelled when (i) the accused misuses his liberty by indulging in similar criminal activity, (ii) interferes with the course of investigation, (iii) attempts to tamper with evidence or witnesses, (iv) threatens witnesses or indulges in similar activities which would hamper smooth investigation, (v) there



is likelihood of his fleeing to another country, (vi) attempts to make himself scarce by going underground or becoming unavailable to the investigating agency, (vii) attempts to place himself beyond the reach of his surety etc. It is also well settled that even if two views are possible, once the bail has been granted, it should not be cancelled. In facts of this case nowhere suggest that any of the aforesaid condition exists in the instance case, therefore, the principles laid down as above shall squarely apply in the instant case.

10. Considering the same and applying the aforesaid principles, in the considered view of this Court, no case is made out for cancellation of bail or review or recall the order, it transpires from the record that this Court had granted anticipatory bail to the respondent No.2, and after the anticipatory bail being granted to the respondent No. 2 on 16.12.2025, the ground which has been taken by the petitioner for cancelling the bail appears to be an afterthought to get the anticipatory bail of the respondent No.2 cancelled, therefore, I do not find any good ground made out for consideration of the same.
11. In view of the above, prayer for cancellation of the order passed by this Court granting anticipatory bail to the respondent No.2/accused, is liable to be and hereby **dismissed**.

Sd/-
(Ramesh Sinha)
Chief Justice