

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC(A) No. 1067 of 2015

Samsan Martyn son of John Martyn, aged about 53 years, resident of Quarter No.11/C Street No.40 Sector 7, Police Station Bhilai Nagar, Tehsil & District Durg, Civil & Revenue District Durg --- **Applicant**

Versus

State of Chhattisgarh, through the District Magistrate District Durg, Chhattisgarh --- **Respondent**

For the applicant : Mr. Goutam Khetrapal, Advocate

For the Respondent : Mr. Neeraj Jain, Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

03.11.2015

1. Apprehending arrest in connection with Crime No. 253 of 2015 registered at Police Station Bhilai Nagar, Civil & Revenue District Durg (C.G) for the offences punishable under Sections 294, 506-B, 324, 326 of IPC and Sections 25 & 27 of the Arms Act, the applicant has filed this application under Section 438 Cr.P.C., for grant of anticipatory bail.
2. As per the prosecution case, the present applicant was working as Guard near over bridge and on 10.07.2015 at about 7.30 p.m., the complainant came there and demanded money and glass for the purpose of consuming liquor and the applicant being guard stopped him, on which, a quarrel took place between them and the complainant was assaulted. Thereafter, a report was made to the police and the case was registered u/ss 294, 506B, 323, 324 of IPC and sections 25 & 27 of the Arms Act. Subsequently, the applicant was granted bail on 24.07.2015. Thereafter at the time of filing charges sheet offence under Section 326 IPC has also been added.
3. Learned counsel for the applicant submits that earlier the applicant was arrested, investigation was done and initially the offence was registered under Sections 294, 506-B, 323, 324 IPC read with section 25 & 27 of the Arms Act and he was granted bail. He further submits that subsequently at the time of filing of charge sheet, offence under Section 326 IPC was added in respect of the same crime, and there is no change of circumstances except the addition of charge.

Consequently it is prayed that the applicant having been granted bail in respect of the same offence under sections 294, 506-B, 323, 324 IPC read with Sections 25/27 of the Arms act, he may be further granted bail as he will appear before the court below as and when the date is fixed.

4. Per contra, learned State Counsel opposes the prayer for grant of bail.
5. Having regard to the fact that earlier the applicant was granted bail and at the time of filing of the charge sheet, offence u/s 326 IPC was added by the prosecution, in the opinion of this court, the application for grant of anticipatory bail deserves to be allowed.
6. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail by the officer arresting him on executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the officer arresting him or the concerned Investigating Officer. The applicant shall also abide by the following conditions :-
 - (i) that the applicant shall make himself available for interrogation before the investigating officer as and when required;
 - (ii) that the applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or any police officer;
 - (iii) that the applicant shall not act in any manner which will be prejudicial to fair and expeditious trial; and
 - (iv) the applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE