

HIGH COURT OF CHHATTISGARH AT BILASPUR

M.Cr.C.(A) No. 1306 /2015

Golu @ Guru Prasad Tandan, S/o Bundaru Tandan, Aged About 20 Years, R/o Mini Basti Jarhabhata, Bilaspur, P.S. Civil Line, Bilaspur, Tahsil And District Bilaspur, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, Police Station Civil Line Bilaspur, District Bilaspur, Chhattisgarh

---- Respondent

For Applicant : Mr. Shivang Dubey, Advocate.

For Respondent : Mr. Sameer Behar, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

07/01/2016

1. Apprehending arrest in connection with Crime No.573/2015 registered at Police Station- Civil Line, Bilaspur, District Bilaspur (C.G.) for the offence punishable under Section 452, 294, 323, 506, 323, 325, 34, 458, 459 of Indian Penal Code, the applicant has preferred this application under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail.
2. As per the prosecution story, in brief, on 21.09.2015 a report was made by Taran Bai that she was living along with his son Rajesh and Raju at Mini Basti, Bilaspur, and on 21.09.2015 at about 8 to 9 p.m., some of the young boys of her locality told her that her younger son Raju has been assaulted by some of the persons and therefore she went to that place where she was found that Raju was lying on the ground and she picked up her and brought at her home. After some time, the applicant alongwith other persons came to her house and thereafter assaulted the complainant and on the basis of the report, the offence was registered.

3. Learned counsel for the applicant submits that initially the cases under Section 452, 294, 323, 506, 34 was registered wherein the applicant was enlarged on bail and he has not misused the liberty granted to him. He further submits that there is no custodial interrogation is required and at the time of filing of the charge sheet, Section 325, 458 and 459 was added, therefore, he may be enlarged on anticipatory bail, as the applicant is ready to appear before the Court below as and when directed.
4. Per contra, the learned State counsel opposes the prayer for grant of anticipatory bail, however, he do not dispute the fact that on the earlier occasion the applicant was enlarged on bail under Section 452, 294, 323, 506, 34 of IPC.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Taking into consideration the facts and circumstances of the case and considering the fact that the applicant has not misused the liberty granted to him and there is no further custodial interrogation is required as the charge sheet has been filed, I find it to be a fit case to extend the benefit of Section 438 of Cr.P.C.
7. Accordingly, the anticipatory bail application is allowed.
8. 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 furnishing a personal bond to a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of 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 to any police officer;
- (iii) that the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that 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.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge