

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC(A) No. 392 of 2016

Santosh Kumar Lahre S/o Mohan Lal Lahre Aged About 38 Years R/o Village Kugda, Police Station Kumhari Tehsil Patan District Durg, Civil & Rev. Distt. Durg Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through The S.H.O. P.S. Kumhari, District Durg Chhattisgarh.

---- Respondent

For applicant – Shri Goutam Khetrapal, Advocate.
For Respondent/State – Miss. Sunita Jain, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

3/05/2016

1. This application under Section 438 of Cr.P.C. has been filed by the applicant apprehending his arrest in connection with Crime No. 30/2016 registered at Police Station Kumhari, Civil & Revenue District Durg (C.G.) for offence punishable under Section 294, 506-B, 323, 327 of the Indian Penal Code.
2. As per the prosecution case on a report made by Hemant Kumar Navrange initially a case under Section 294, 506-B, 323 read with 34 of IPC was registered against the applicant wherein he was enlarged on bail. Back ground of the report was that on 26/01/2016 complainant when went to purchase some grocery and was coming back, at that time one Badal @ Rajesh Kumar asked him to serve drink, it was refused for which they entered into scuffle, at that time applicant also intervened and assaulted.
3. Learned counsel for the applicant submits that entire allegations are against one Badal @ Rajesh Kumar and initially the applicant was released for offence under Section 294, 506-B, 323 read with 34 of IPC. Subsequently, section 327 of IPC has been added. He submits that the applicant has not misused the liberty which was granted and while filing charge sheet section

327 of IPC has been added, therefore applicant may be granted benefit of anticipatory bail.

4. Learned State counsel opposes the prayer for grant of bail.

5. I have perused the case diary and the statement. Initially the applicant was enlarged on bail for offence under Section 294, 506-B, 323 read with 34 of IPC and the case diary shows that at the time of filing of challan section 327 of IPC has been added. Considering the fact that the applicant has not misused the liberty earlier granted, I am inclined to extend benefit of anticipatory bail to the applicant.

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 local 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) 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

