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**HIGH COURT OF CHHATTISGARH, BILASPUR**

**M.CR.C.(A). No. 444 of 2016**

1. Bifal Ram Rajwade, S/o. Siyamber Ram Rajwade, aged about 45 years, Occupation-Agriculture,
2. Samal Ram, S/o. Siyamber Ram Rajwade, aged about 42 years, occupation-Agriculture,
3. Pramod Ram, S/o. Samal Ram Rajwade, aged about 21 years, Occupation-Student,
4. Sanjay Rajwade, S/o. Samal Ram Rajwade, aged about 22 years, Occupation-Student,
5. Ramayan, S/o. Ram Vriksh Rajwade, aged about 28 years, occupation-Agriculture,

All are R/o. Village-Umruli, Harrapara, P.S. Lakhanpur, District-Sarguja (C.G.)

**----Applicants**

**Versus**

1. State of Chhattisgarh, Through : the Station House Officer, P.S. Lakhanpur, District – Sarguja (C.G.)

**---- Respondent**

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| For Applicants       | : Mr. Jitendra Shrivastava, Advocate |
| For Respondent/State | : Mr. Sangharsh Pandey, Dy.G.A.      |

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**Hon'ble Shri Justice Goutam Bhaduri**

**Order On Board**

**10/05/2016**

1. Apprehending arrest in connection with Crime No.12/2016 registered at Police Station- Lakhanpur, District – Sarguja (C.G.), for offence punishable under Section 147, 148, 294, 506, 323, 452 & 307/34 of Indian Penal Code, the applicants have preferred this application for grant of anticipatory bail.
2. As per the prosecution case, on 24.01.2016 while Charta festival was being celebrated at village- Umroli at that time, when the dinner was going on some dispute arose, consequently, the applicants and the complainant entered into dispute and assaulted to each other.

3. Learned counsel for the applicant submits that the applicant No.1 Bifal Ram Rajwade is arrested, therefore, he do not want to press the application in respect of the applicant No.1. In a result, the bail application in respect of the applicant No.1 is rejected.
4. Learned counsel for the applicants submits that earlier the applicants were enlarged on regular bail by the Court below on 16.03.2016, subsequently, the offence under Section 307 read with Section 34 of I.P.C. is added, therefore, the applicants since have not jumped the bail or tried to influence the investigation and further considering the fact that the applicants have already enlarged on bail for the offence under Section 147, 148, 294, 506, 323, 452 of I.P.C., they may be extended the benefit of anticipatory bail.
5. Per contra learned State counsel opposes the application for grant of anticipatory bail and would submit that after query report received on 26.02.2016 of Jagarnath Rajwade, the offence under Section 307 of I.P.C. was added as fracture on Maxilla was reported in the medical report.
6. Perused the statement and the case diary. It is not in dispute that the applicants were released on regular bail on 16.03.2016 under Section 147, 148, 294, 506, 323, 452 of I.P.C. Subsequently, Section 307 of I.P.C. have been added after the query report was received by the prosecution. In the facts of this case, it appears that the applicants have not tried to influence the investigation or have jumped the bail. Considering the fact that the applicants have not misused the liberty earlier granted and further taking into the background of this case, I am inclined to extend benefit of anticipatory bail to the applicants No.2 to 5.
7. Accordingly, the anticipatory bail application in respect of the applicant No.2 to 5 is allowed. The bail application in respect of the applicant No.1 is dismissed.

8. It is directed that in the event of arrest of the applicants No.2 to 5 in connection with the aforesaid offence, they shall be released on bail by the officer arresting them on executing a personal bond in sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned Investigating Officer. The applicants shall also abide by the following conditions :

- (i) that the applicants shall make themselves available for interrogation before the investigating officer as and when required;
- (ii) that the applicants 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 applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicants shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Certified copy as per rules.

**Sd/-**  
**(Goutam Bhaduri)**  
Judge