

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRCA No. 560 of 2016**

1. Surendra Singh S/O Narayan Singh Aged About 55 Years R/O Mohalla Nawapara, P.S. Gandhinagar, Ambikapur, District Surguja Chhattisgarh
2. Vaibhav Mishra S/O Dr. Rajkumar Mishra Aged About 35 Years R/O Mission Chowk, Kedarpur, Ambikapur, P.S. Kotwali, District - Surguja Chhattisgarh

**---- Applicants****Versus**

- State Of Chhattisgarh Through Police Station Kotwali, Ambikapur District - Surguja Chhattisgarh

**---- Respondent**

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For Applicant : Mr. Sunil Tripathi, Advocate

For Respondent/State : Mr. Arvind Shukla, Panel Lawyer

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**Hon'ble Shri Justice Goutam Bhaduri****Order on Board****01-08-2016**

1. The applicants have preferred the instant bail application under Section 438 of the Code of Criminal Procedure for grant of anticipatory apprehending their arrest in connection with Crime No.738 of 2015 registered at Police Station Kotwali, Ambikapur, District Surguja (CG) for the offence punishable under Sections 452, 294, 506-B, 323, 34 of the IPC .
2. Case of the prosecution, in brief, is that a missing report was lodged by applicant No.1 that his daughter Simran Kour was missing from 23-12-2015 and thereafter it came to their notice that Simran Kour was kept by son of complainant Ramesh Yadav namely Chanki Yadav. When the applicants went to the house of the complainant Ramesh Yadav, some altercation took place between the appellants and complainant and the applicants abused the complainant and thereafter assaulted him and thereby the aforesaid offence was made.

3. Learned counsel appearing for the applicants would submit that initially applicants were enlarged on bail by the Sessions Court on 23-2-2016 as per Annexure A/2 wherein they were enlarged on anticipatory bail under Sections 452, 506-B, 294, & 323, 34 of the IPC. Subsequently a case being filed under Section 458 of the IPC against the applicants, further changed circumstances are taken place and infact the marriage of the daughter of applicant No.1 was solemnized with son of the complainant which resulted into the report and counter report. He would further submit that since the applicants having been enlarged on bail by the sessions court, may be extended the benefit of anticipatory bail.
4. Per contra, learned State counsel opposes the bail application.
5. I have heard learned counsel for the parties, perused the case diary and documents as also order passed by the Sessions Court on 23-2-2016.
6. Considering the fact that applicants were enlarged on bail by the Sessions Court and now offence has been added under Section 458 of the IPC and further considering the fact that the applicants have not tampered with any evidence, I am inclined to extend the benefit of anticipatory bail to the applicants.
7. Accordingly, the bail application filed under Section 438 of the Cr.P.C., is allowed and it is directed that in the event of arrest of the applicants in connection with the aforesaid offence, they shall be released on bail by the officer arresting them on each of them executing a personal bond in the sum of Rs.25,000/- with one local surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicants shall also abide by the following conditions:

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|-------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (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)  | the applicants 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

Raju