

HIGH COURT OF CHHATTISGARH AT BILASPUR

M.Cr.C.(A) No. 986 /2016

1. Rohit Singh, S/o. Khaibar Singh, Aged About 28 Years, R/o. Qr. No. 195/ B Zone 02, Charoda Bhilai, 03, Police Station Bhilai, District Durg, Chhattisgarh.
2. Vinod Masih, S/o. Imanvel Masih, Aged About 29 Years, R/o. New Panchshil Nagar, Charoda Bhilai, Police Station Bhilai 03, District Durg, Chhattisgarh

---- Applicants

Versus

State Of Chhattisgarh, Through Station House Officer, Police Station- Purani Bhilai, District Durg, Chhattisgarh.

---- Respondent

For Applicants	:	Mr. Rajesh Kumar Tiwari, Advocate.
For Respondent	:	Mr. Anant Bajpai, Panel Lawyer .

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

27/10/2016

1. Apprehending arrest in connection with Crime No.405/2015 registered at Police Station- Purani Bhilai, District Durg (C.G.) for the offence punishable under Section 294, 323, 506, 327, 34 of Indian Penal Code, the applicants have preferred this application under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail.
2. As per the prosecution case, a report was made by one Vivek Kumar on 25.09.2015 that the present applicants at about 10:30 p.m. went to the liquor shop and since the liquor shop was closed, they demanded liquor which was refused, on which the applicants got enraged and kick the door, thereby, the door was broken and they caught hold of the color of the complainant and assaulted him. Thereby, the offence has been committed.
3. Learned counsel for the applicants would submit that initially the offence was made under Section 323, 506 & 294 of IPC wherein the applicants were enlarged on bail by personal bond and they

have not misused the liberty and no offence is made under Section 327 of IPC. He further submits that subsequently the offence under Section 327 of IPC has been added, therefore, the applicants may be enlarged on anticipatory bail.

4. Per contra, learned State counsel opposes the prayer for grant of anticipatory bail.
5. Perused the case diary, documents and the statements. The incident is of 2015. It appears that the applicants were initially enlarged on bail under Section 294, 506 & 323 of IPC and subsequently, as appears from the documents of the case diary, the Trial Court has directed to add Section 327 of IPC. Taking into the totality of the case and the time which is lapsed, I find it to be a fit case where the benefit of Section 438 of Cr.P.C. can be extended to the applicants.
6. Accordingly, the anticipatory bail application 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 furnishing a personal bond to a 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, today.

Sd/-
(Goutam Bhaduri)
Judge

Ashok