

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No.543 of 2017

1. Rajednra Rajwade S/o Mohitram, Aged About 18 Years R/o Puhaputara, Police Station And Tahsil Lakhanpur, Civil & Revenue District Sarguja Chhattisgarh
2. Mohit Rajwade, S/o Jagsai Rajwade Aged About 43 Years R/o Puhaputara, Police Station And Tahsil Lakhanpur, Civil & Revenue District Sarguja Chhattisgarh

---- Petitioner

Versus

- State Of Chhattisgarh Through District Magistrate, District Sarguja Police Station Lakhanpur, Civil & Revenue District Sarguja Chhattisgarh

---- Respondent

For Petitioner	:	Shri D. K. Singh, Advocate
For Respondent/State	:	Shri Manish Nigam, PL

S.B. : Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

30/11/2017

Heard.

2. The applicants have preferred this application under Section 438 of Cr.P.C., apprehending their arrest in connection with Crime No.23/2016, registered at Police Station–Lakhanpur, District Surguja for alleged commission of offence under Sections 294, 506, 323, 34 and 326 of IPC.
3. Case of the prosecution is that the applicants assaulted the complainant resulting in fracture of nasal septum.
4. Learned counsel for the applicant submits that though offence under Section 326 of IPC was added after receipt of the Doctor's report of fracture, in these circumstances, it is prayed that the applicants may be granted anticipatory bail because they were otherwise released on bail for bailable offences.
5. On the other hand, learned State counsel opposes the prayer for grant of bail on the submission that in view of Doctor's report, now it is a case of commission of non-bailable offence against the applicants.

6. I have considered the submission of learned counsel for the parties and perused the case diary.

7. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration that the applicants were earlier held for commission of bailable offences and they were granted bail for the alleged commission of offence under Section 294, 506, 323/34 of IPC, I am inclined to protect the applicants.

8. Accordingly, the application is allowed. It is directed that in the event of arrest of the applicants in connection with the aforesaid offence, they shall be released on bail on each of them furnishing a personal bond for a sum of Rs.10,000/ with one local surety in the like sum to the satisfaction of the arresting officer, on the following conditions that:

(I) The applicants shall make themselves available for interrogation by the police as and when required;

(II) 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 from disclosing such facts to the Court or to any police officer, *and*

(III) The applicants shall cooperate with the investigation as and when they are called.

SD/-
(Manindra Mohan Shrivastava)
Judge