

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****M. Cr. C. (A) No. 1340 of 2016**

Sachin Mishra S/o late Shri Mohan Lal, aged about 30 years, R/o Sonumuda, near Kali Temple, Police Station Jutmil, Police Station City Kotwali, District Raigarh, Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh through Station House Officer, Police Station City Kotwali, District Raigarh, Chhattisgarh.

---- Respondent

For Applicant	:	Shri Awadh Tripathi, Advocate
For Respondent/State	:	Shri Neeraj Mehta, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy**Order On Board****18/05/2017**

The present application under Section 438 of Cr.P.C. has been filed seeking for grant of anticipatory bail to the applicant apprehending his arrest in connection with Crime No. 338/2016 registered at P.S. City Kotwali, District Raigarh (CG) for the offence punishable under Sections 294, 506, 323, 147, 148, 149 & 327 of IPC.

2. As per the prosecution, the present applicant who is a vehicle stand contractor at Raigarh Railway Station is said to have entered into a quarrel with the complainants and assaulted them causing injuries to four persons.

3. Counsel for the applicant submits that initially an offence under Section 323 of IPC was registered against the applicant and he was granted bail on 17.11.2016. Subsequently, an offence under Section 327 of IPC has also been added which is a non-bailable offence. Counsel for the applicant submits that there is no allegation of any misuse of bail by the applicant and therefore, in the changed circumstances, the applicant may be granted the anticipatory bail.

4. State Counsel, however, opposes the anticipatory bail application on the ground that four persons have been injured and therefore, it is a case where

the applicant is not entitled for anticipatory bail.

5. Having considered the rival contentions put forth on either side and on perusal of the record what prima facie appears is that the applicant was granted bail at the first instance on 17.11.2016 and there is no allegation of any misuse of the said bail. The requirement of anticipatory bail has made out on the subsequent addition of Section 327 of IPC. Thus, considering the total facts and circumstances of the case, this Court is of the opinion that prima facie, a strong case for grant of anticipatory bail has been made out.

6. In the result, the application u/s 438 Cr.P.C. is allowed. It is directed that in the event of arrest, the present applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the Officer arresting him or the Court concerned, as the case may be, with the following terms and conditions:

- (i) that the applicant shall make himself available for interrogation before the concerned 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) that 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.

Sd/-
(P. Sam Koshy)
Judge