

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1358 of 2018

1. Mumtaj Bano W/o Late Abdul Sattar, Aged About 55 Years, R/o Village- Budan, Police Station- Budan, District- Nuaapada, Orissa., District : Nuapada, Orissa
2. Aashma Bano W/o Mohd Yusuph Aged About 27 Years, House Wife, R/o Kotpad, Police Station- Kotpad, District- Koraput, Orissa., District : Koraput, Orissa
3. Mohd. Afjal S/o Late Abdul Sattar, Aged About 25 Years, R/o Village- Budan, Police Station- Budan, District- Nuaapada, Orissa., District : Nuapada, Orissa

---- Applicants

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station- Keskal, District- Kondagaon, Chhattisgarh., District : Kondagaon, Chhattisgarh

---- Non-applicant

For Applicants – Shri H.S. Ahluwalia, Advocate.

For Non-applicant/State – Shri Ashish Shukla, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

13-11-2018

1. This application has been filed under Section 438 of the Cr.P.C. for grant of anticipatory bail in connection with Crime No.135/2017, registered at P.S. Keskal, District- Kondagaon, Chhattisgarh for the offence punishable under Section 294, 323, 506, 328, 498A, 307 & 34 of the IPC.
2. This is second application for grant of anticipatory bail. Earlier, the applicants had filed MCRCA No.1155/2017 and MCRCA No.66/2018 which were decided on 27-03-2018 by granting anticipatory bail to all these applicants.
3. It is submitted that the applicants are apprehending arrest in connection with Crime No.135/2017 on account of addition of offence under Section 307 of the IPC which the applicants have come to know on receiving a notice about filing of charge sheet. This Court had earlier considered on all the evidence

and ordered in favour of the applicants and there is no change in circumstance. Hence, it is prayed that this application may also be allowed.

4. Learned counsel for the State/non-applicant opposes the application submitting that according to the evidence present in the case diary, the applicants had attempted to cause death of the complainant, hence, offence under Section 307 of the IPC has been added, therefore, the application may be rejected.

5. In the earlier application the case against the applicant was discussed and after due consideration the applications were allowed for grant of anticipatory bail. At the subsequent stage of filing charge sheet there does not appear to be any change of circumstance and the offence under Section 307 of the IPC has been added in the case diary on the basis of same evidence which existed earlier. Hence, after overall consideration, I feel inclined to allow this application.

6. Accordingly, the anticipatory bail application is allowed. It is directed that in the event of arrest of these 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 sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. These applicants shall also abide by the following conditions :

- (i) that they shall make themselves available for interrogation before the investigating officer as and when required;
- (ii) that they 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 they shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and

(iv) that they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

7. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Aadil