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HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 1462 of 2018**

Pradeep Kumar Arya S/o Shri N.R. Arya Aged About 38 Years R/o- 27 Kholi,
Indrasen Nagar, Thana Civil Lines, District- Bilaspur, Chhattisgarh.

---- Applicant**Versus**

The State Of Chhattisgarh Through- Police Station Mahila Thana, District-
Bilaspur, Chhattisgarh.

---- Respondent

For the Applicant : Shri Parag Kotecha, Advocate.
For the Respondent/State : Shri Anant Bajpai, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****19.11.2018**

1. Heard on application under Section 438 of the Code of Criminal Procedure, 1973.

2. This is the second bail application filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the applicant. The earlier application i.e. M.Cr.C.(A) No. 1234 of 2018 was allowed by this Court vide order dated 6.10.2018 and since subsequent to passing of this order, the Investigating Officer has shown his intention to add offences punishable under Sections 377 and 313 of the Indian Penal Code, therefore, the applicant has apprehension of arrest in connection with Crime No.49 of 2018 registered at police station Mahila Thana, District Bilaspur, Chhattisgarh for the added offence punishable under Sections 377 and 313 of the Indian Penal Code.

3. It is submitted by counsel for the applicant that when the applicant approached to the concerned police station to surrender and furnish bail, his surrender was refused and he was informed that further the offences under Sections 377 and 313 of the IPC are to be added before his arrest, for which no order has been passed by this Court in M.Cr.C.(A) No. 1234 of 2018. Hence, it is prayed that the order of anticipatory bail be extended to the other offences proposed to be added by the police.

4. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that looking to the serious nature of offence alleged to have been committed by the applicant he is not entitled for any extension of anticipatory bail.

5. Heard counsel for both the parties and perused the case diary.

6. On perusal of the case-diary, it appears that the Investigating Officer has opined that no offence has been committed under Section 313 of the IPC whereas, the offence under Section 377 of the IPC has been added.

7. The written complaint given by the complainant on 7.9.2018 does not disclose commission of offence under Section 377 of the IPC and there is no other statement recorded of the prosecutrix in this respect, hence, the evidence in this respect is lacking so far.

8. As the applicant is already been benefited with anticipatory bail in the earlier order, the same can be extended for the other offences added by the Investigating Officer. Hence, the application is allowed and the order dated

6.10.2018 passed in M.Cr.C.(A) No. 1234 of 2018 is further extended.

8. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail by the Officer arresting him on 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. The applicant shall also abide by the following conditions:

- '(i) that the applicant shall make himself available for interrogation before the 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 them 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/-

(Rajendra Chandra Singh Samant)

Judge