

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1874 of 2019

- Narendra Kumar Shrivastava S/o Samaylal, Aged About 32 Years, Occupation- Add. Manager National Fertilizer Ltd. Noida, Presently R/o Sector 71b Block No.113, District- Goutam Budh Nagar, Delhi (wrongly mentioned as Goutampur (M.P.)). Permanent R/o Village & P.S. Hasod, Tahasil- Jaijaipur, District- Janjgir-Champa, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through - District Magistrate In-Charge- P.S. Hasod, District- Janjgir-Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

----Respondent

For Applicant – Shri Ishwar Jaiswal, Advocate.

For State/Respondent – Shri Arijit Tiwari, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

09-12-2019

1. Heard on the application filed under Section 438 of the Cr.P.C. This is second application before this Court filed by the applicant for grant of anticipatory bail. The earlier application filed by the applicant MCRCA No.135 of 2019 was rejected on merits.

2. It is submitted on behalf of the applicant that the applicant is apprehending arrest in connection with Crime No.220/18, registered at Police Station Hasod, District Janjgir-Champa (C.G.) for an alleged offence punishable under Section 498(A)/34, 377 of the IPC. Subsequent to rejection of earlier application of the applicant, the circumstance that has arisen is this, that the applicant surrendered before the Court of learned JMFC and then on his application filed under Section 437 of the Cr.P.C. he was granted bail by order dated 20-08-2019. Another circumstance that has arisen is this, that addition of Section 377 of the IPC is proposed at the time of filing charge sheet, therefore, the applicant has the apprehension.

3. The anticipatory bail application of this applicant was already rejected on

merits earlier by making this observation that there is allegation of offence under Section 377 of the IPC against him. However, the applicant has been granted bail by the Court of the JMFC and as per the present view his arrest can be made only when the bail granted by the said Court is cancelled. Therefore, the respondent/State has to take it into consideration before any arrest of the applicant is made.

4. The application stands disposed off.

Sd/-

(Rajendra Chandra Singh Samant)
Judge