

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C.(A.) No. 311 of 2020

- Subhash Singh S/o Bharat Singh Aged About 30 Years R/o Village Navagarh, P.S. And Tahsil Nawagarh, District Janjgir-Champa, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through S.H.O., P.S. Masturi, District Bilaspur, Chhattisgarh

---- Non-applicant

For Applicant : Mr. Pawan Kesharwani, Advocate.
For State/respondent : Mr. D.P. Singh, Dy.A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order on Board

16-03-2020

Heard.

1. This is the second application filed for grant of anticipatory bail to the applicant. The first application M.Cr.C.(A.) No.1291 of 2019 was allowed vide order dated 19.09.2019. Subsequent to the addition of offence under Section 307 of I.P.C., the applicant is again facing apprehension for being arrested in the case. The applicant has been apprehending arrest in connection with Crime No.73/2019, registered at Police Station– Masturi, District- Bilaspur, Chhattisgarh, for the offence punishable under Section 294, 506 B and 324/34 of the I.P.C., the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by the learned counsel for the applicant that during investigation without any basis, the offence under Section 307 of I.P.C. has been added, which is a non-bailable offence. Therefore, looking to this apprehension, the applicant filed application praying for grant of anticipatory bail before the Sessions Judge, Bilaspur, which has been rejected. It is submitted that there is already an order of anticipatory bail existing in favour of the applicant. The Supreme Court has in the case of

Pradeep Ram Vs. State of Jharkhand reported in ***A.I.R. 2019***

Supreme Court 3193 held that merely on addition of any non-bailable offence at later stage, the police does not have the power to arrest the person who has been already granted bail by the Court, unless such order granting bail is cancelled and permission for arrest is granted by the same Court, therefore, the applicant is entitled for grant of anticipatory bail.

3. Learned counsel for the State opposes the application and submits that there is material present against the applicant to show that he has committed offence under Section 307 of I.P.C., therefore, he is not entitled for any relief.
4. Heard learned counsel for both the parties and perused the documents present.
5. As there is already an order of anticipatory bail existing in favour of the applicant in M.Cr.C. No.1291 of 2019 dated 19.9.2019, therefore, the addition of any offence will not take away the entitlement of the applicant to be at liberty. On the basis of that previous order, as it has been held in **Pradeep Ram** (Supra) that the effect of this order shall be by way of extension to any of the offence which may be added later on by the police during the course of investigation. Unless, the police seeks permission of this Court and prays for cancellation of the anticipatory bail already granted. Hence, the police has no authority to arrest the applicant until the order dated 19.09.2019 in M.Cr.C. No.1291 of 2019 remains in force.
6. Accordingly, stands disposed off.

Sd/-
(Rajendra Chandra Singh Samant)
Judge