

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1219 of 2020**

1. Vishnu Prasad Sahu, S/o Late Narayan Sahu Aged About 53 Years Resident Of Village Khairtala, Thana Bhatapara Rural District Balodabazar Bhatapara Chhattisgarh.
2. Dipesh Sahu S/o Vishnu Prasad Sahu Aged About 25 Years Resident Of Village Khairtala, Thana Bhatapara Rural District Balodabazar Bhatapara Chhattisgarh.
3. Nilesh Kumar Sahu S/o Krishna Kumar Sahu Aged About 25 Years Resident Of Village Khairtala, Thana Bhatapara Rural District Balodabazar Bhatapara, Chhattisgarh.

---- Applicants**Versus**

- State Of Chhattisgarh Through Thana Bhatapara Rural District Balodabajar Bhatapara, Chhattisgarh.

---- Respondent

For Applicants	: Shri G.R. Burman, Advocate.
For Respondent/State	: Shri H.S. Ahluwalia, Dy. A.G.

Hon'ble Shri Justice Arvind Singh Chandel**Order On Board****07/01/2021**

1. The applicants have preferred the second bail application under Section 438 of Cr.P.C. for apprehending arrest in connection with Crime No. 88/2020 registered at Police Station Bhatapara Rural District Balodabajar-Bhatapara, (C.G.) for the offence punishable under Sections 294, 506, 323, 354, 456 of the Indian Penal Code and Section 8 of POCSO Act (added later on).
2. First anticipatory bail application of the applicants was earlier allowed

vide order dated 04.08.2020 passed in MCRCA No. 725/2020 by this Court for the offence punishable under Section 294, 506, 323, 354, 456 & 34 of the I.P.C., but after grant of the anticipatory bail, police have added offence under Section 8 of POCSO Act, therefore, applicants are apprehending arrest on the basis of newly added offence.

3. Learned Counsel appearing for the applicants submits that when first anticipatory bail application was allowed, he was not aware of addition of offence under Section 8 of POCSO Act in the present case. Thus, the applicants are apprehending their arrest. Therefore, it is prayed that the applicants may be granted anticipatory bail.
4. Learned Counsel appearing for the State formally opposes the bail application and submits that at the time of passing first anticipatory bail order, the offence under Section 8 of POCSO was already added but by mistake the said fact was not highlighted.
5. I have heard learned Counsel appearing for the parties and perused the material available.
6. Taking into consideration the submissions put-forth on behalf of the parties, and further considering the fact that first bail application was allowed and during that time learned Counsel were not aware of addition of offence under Section 8 of POCSO in the matter, therefore, without further commenting on other merits of the case, I am inclined to extend the benefit of anticipatory bail to the present applicants.

7. Accordingly, the bail application is allowed.

8. It is directed that in the event of arrest of the applicants in connection with the aforesaid crime, they shall be released on anticipatory bail on each of them furnishing a personal bond in the sum of Rs. 20,000/- with one solvent surety for the like sum to the satisfaction of the Arresting Officer/Presiding Officer of the concerned trial Court. They shall also abide by all the following terms and conditions :

- (i) 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 fact to the Court,
- (ii) They shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (iii) They shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Sd/-
(Arvind Singh Chandel)
Judge