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**HIGH COURT OF CHHATTISGARH, BILASPUR****M.Cr.C.(A) No. 2162 of 2019**

Manoj Singh S/o Shri Shiv Narayan Aged About 52 Years R/o Shankar Nagar, Gevra Basti, Korba, District Korba, Chhattisgarh.

**---- Applicant****Versus**

State Of Chhattisgarh Through Police Station AJAK, Korba, District Korba, Chhattisgarh.

**---- Respondent**


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For the Applicant : Shri Gurudev I Sharan, Advocate.  
For the Respondent/State : Shri Anand Verma, Dy. G.A.

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**Hon'ble Shri Justice Rajendra Chandra Singh Samant****ORDER****24.12.2019**

1. Heard on application under Section 438 of the Code of Criminal Procedure, 1973.
  
2. This is the first bail application filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the applicant who is apprehending arrest in connection with Crime No. 26 of 2019, registered at Police Station – AJAK, Korba, District – Korba, Chhattisgarh for the offences punishable under Sections 294, 506, 323 and 455/ 34 of the Indian Penal Code and Section 3(2)(5)(a) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
  
3. It is submitted by counsel for the applicant that the earlier offences were registered against the applicant under Sections 294, 506 and 323/ 34 of the IPC and Section 3(2)(5)(a) of the Scheduled Castes and Scheduled

Tribes (Prevention of Atrocities) Act, 1989 and the applicant was granted regular bail by the Learned trial Court at remand stage. However, at the stage of filing the charge-sheet another offence under Section 455 of the IPC has been added because of which, the applicant is apprehending arrest, therefore, he filed an application before the Learned Special Court for grant of anticipatory bail and after the rejection of same, this application has been filed before this Court. Hence, it is prayed that the applicant be benefited with grant of anticipatory bail.

4. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that the added offence is a different offence and the applicant has no entitlement for grant of any relief in this case.

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

6. Considered the submissions. As the applicant is already on bail with effect of the order passed by the Learned Special Court itself before which the charge-sheet has been filed against the applicant, with the added offence. The principle is already settled that by any addition of offence in a case the arrest of the person concerned on bail cannot be made without the cancellation of the earlier bail order by which the person was granted bail. Therefore, according to this principle, the applicant has no requirement to seek any anticipatory bail. As it is informed that the respondent/ State has not moved any application for cancellation of bail of the applicant, therefore, the proceeding by the learned trial Court for making arrest of the applicant is hereby quashed.

7. On the basis of the observations made herein-above, this application is disposed off.

Sd/-

**(Rajendra Chandra Singh Samant)**  
Vacation Judge

Nimmi