

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC(A) No. 347 of 2016

Hemant Kumar Kashyap S/O Aher Singh Kashyap Aged About 60
Years Occupation Service, R/O Bilaspur, Ward No. 1, District
Bilaspur, Chhattisgarh, Civil And Rev. District Bilaspur Chhattisgarh.

---- Applicant

Versus

The State Of Chhattisgarh Through Police Station City Kotwali,
Jashpur Chhattisgarh.

---- Respondent

For applicant – Shri A.K. Prasad, Advocate.
For Respondent/State –Shri Sumit Jhanwar, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

12/04/2016

1. This application under Section 438 of Cr.P.C. has been filed by the applicant apprehending his arrest in connection with Crime No. 44/2016 registered at Police Station City Kotwali, District-Jashpur (C.G.) for offence punishable under 420, 468, 471/34 of Indian Penal Code.
2. As per the prosecution case, allegation against the applicant that complaint was made by Rameshwar Prasad Kashyap that licence was issued to one Raghuvir Prasad which was bearing number 6296 which was renewed licence of earlier licence granted. Renewal was made and subsequently it was found that some typographical mistake was committed and again application was moved whereby licence was corrected from number 6296 to 6292. Therefore, allegation is made that Raghuvir Prasad has used forged licence and the applicant Hemant Kumar Kashyap who was In-charge of RTO has in connivance with Raghuvir Prasad has issued fake licence.
3. Learned counsel for the applicant submits that admittedly application for renewal of licence was given by Raghuvir Prasad on

4/01/2014 and the licence was renewed which was bearing number 6296 whereas actually it should have been 6292. Thereafter, on having found number to be wrong an application was filed and after application was filed, after following the procedure fresh renewed licence was issued bearing correct number 6292. He submits that no forgery has been committed by the applicant, therefore he may be granted benefit of anticipatory bail.

4. Learned State counsel opposes the prayer for grant of bail.

5. I have perused the case diary documents. Initially renewed licence was issued to Raghuvir Prasad and it was bearing number 6296 whereas it should have been 6292. Subsequently, application have been filed, same was corrected to 6292. Case diary documents contains all the applications and the papers for renewal and correction also taking into fact that other co-accused Raghuvir Prasad Gour has been enlarged on bail in M.Cr.C. (A) No.272/2016 on 10/03/2016, I am inclined to extend benefit of anticipatory bail to the applicant.

6. 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 local 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 him/her 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) 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.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
JUDGE