

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C.(A) No. 1299 of 2016

Hemant Kumar Kashyap S/o Aher Singh Kashyap Aged About 60
Years Occupation Service, R/o Bilaspur, Ward No. 1, District
Bilaspur, Civil & Revenue 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 Dilman Rati Minj, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

3/03/2017

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 Jashpur, District-Jashpur, Chhattisgarh for offence punishable under Sections 420, 467, 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 despite order

passed by this court granting bail vide M.Cr.C.(A) No.347/2016 on 12/04/2016 notice was served to the applicant on 14/11/2016 wherein section 467 IPC is being added, therefore instant petition. He further 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 and no forgery has been committed by the applicant, therefore applicant may granted benefit of anticipatory bail under the aforesaid section.

4. Learned State counsel is not able to dispute the fact that under the similar facts and circumstances earlier applicant was enlarged on bail vide M.Cr.C.(A) No.347/2016 on 12/04/2016.

5. I have perused the case diary and the documents. It amount that on the same facts and circumstances applicant was enlarged on bail vide M.Cr.C.(A) No.347/2016 on 12/04/2016. Taking into fact earlier the applicant was enlarged on bail it amount that such notice with addition of 467 IPC appears to have over reaching the order of the High Court. Therefore, under the circumstances, 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.

Sd/-

(Goutam Bhaduri)

JUDGE