

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 212 of 2017

- Onkareshwar Kashyap S/o Bhushan Lal Kashyap Aged About 32 Years
R/o Village Devari Khurd, Near Pani Tanki, P. S. Torwa, Tahsil And District
Bilaspur (Chhattisgarh)

---- Applicant

Versus

- State Of Chhattisgarh Through: Station House Officer, Police Station
Torwa, District Bilaspur (Chhattisgarh)

---- Respondent

For Applicant	:	Mr. Basant Kaiwartya, Advocate
For Respondent	:	Mr. Anil Pandey, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

26/07/2017

1. This is the first bail application filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the applicant is apprehending arrest in connection with Crime No. 54/2017, registered at Police Station- Torwa, District – Bilaspur, Chhattisgarh for the offence punishable under Section 498-A of Indian Penal Code (for short 'IPC').
2. It is submitted by the counsel for applicant that applicant and the complainant Kavita Kashyap were married on 27.05.10 and they have a son age of 4 years. Complainant Kavita Kashyap is residing separately since 3.7.2016. The reason being this that applicant is a constable, at the time of alleged incident, applicant was posted at Ambikapur and his wife, the complainant was not willing to reside with him. Applicant has filed an

application under Section 9 of Hindu Marriage Act, 1955 before the Family Court, Bilaspur on 10.2.2017. That consequent to that FIR has been lodged by complainant on 19.2.2017.

3. Applicant is a government servant due to various reasons other than any demand of dowry and any torture given by the applicant, he is being targeted by the complainant as she is not willing to reside with the applicant. In case, the applicant is arrested this will have effect on his carrier in police service. Hence, prayed that applicant be benefited with grant of anticipatory bail.
4. Learned counsel for the State has opposed the application and arguments submitted on behalf of applicant. It is submitted that the case is under investigation and release of applicant on anticipatory bail may have some effect on the investigation of the case, hence, prayed that application be rejected.
5. Perused the case diary and papers attached in case diary, which discloses the reason why the complainant is residing separately, apart from what she had stated against the applicant in her FIR and statement under Section 161.
6. In view of above observations, it appears that this is a fit case where applicant should be benefited with anticipatory bail.
7. Accordingly, the bail application filed under Section 438 of Cr.P.C. is allowed.
8. It is directed that on the event of arrest of applicant in Crime No.54/2017 of P.S.-Torwa he shall be released on bail, on furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed. Condition is imposed that applicant shall cooperate with investigation and

shall not make use of his liberty to influence or harass the witness of this case.

9. In view of above, this petition stands disposed off.
10. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Nisha