

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 857 of 2019

- Smt. Puja Kashyap @ Puja Pandey, W/o Shri Ram Sagar Kashyap, Aged About 26 Years, R/o Near Railway Fatak, Imli Duggu, Korba, Tahsil And District- Korba, Chhattisgarh.

---- Applicant

Versus

- The State Of Chhattisgarh Through The District Magistrate, Korba, District- Korba, Chhattisgarh.

---- Respondent

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MCRCA No. 869 of 2019

- Ram Sagar Kashyap, S/o Late Shyam Lal Kashyap, Aged About 30 Years, R/o Village-Dhivra, Thana- Birra, Presently R/o Near Railway Fatak, Imli Duggu, Korba, Tahsil And District- Korba, Chhattisgarh.

---- Applicant

Versus

- The State of Chhattisgarh Through The District Magistrate, Korba, District- Korba, Chhattisgarh.

---- Respondent

For Applicants	:	Mr. M.K. Bhaduri and Ms. Sareena Khan, Advocates.
For Respondent/State	:	Mr. Lav Sharma, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

25/06/2019

1. Since the above bail applications arise out of the same crime number, they are being disposed of by this common order.
2. Above applicants have preferred these applications for grant of anticipatory bail as they apprehend their arrest in connection with Crime No.248/2019 registered at Police Station-Kotwali, Korba, District-Korba (C.G.) for the offence punishable under Sections 186, 294, 332/34, 341 & 353 of the Indian Penal Code.
3. Learned counsel for applicants submits that applicants are innocent and have been falsely implicated in this case. No case is made out against these applicants. The fact is this that complainant Constable Aakash Mishra used to extort money and various things from applicants for the reason that applicants are engaged in some small business. On the date of incident, the complainant had come to the applicants and made similar demand because of which dispute arose, therefore, the complainant has falsely implicated the applicants in both the cases. Applicant Pooja Kashyap in MCRCA No.857 of 2019 is carrying pregnancy of 4 month. Therefore, it is prayed that both the applicants be granted anticipatory bail.
4. Learned State counsel opposes bail applications and submissions made in this respect. It is submitted that there are direct allegations against applicants that they deterred a public servant from discharging his official duty, assaulted and caused injuries to him, therefore, they are not entitled for grant of anticipatory bail.
5. Heard both the parties and perused the case diary.
6. According to FIR lodged on 3.5.2019, constable Aakash Mishra i.e. complainant, had been to the place of applicants for the reason that

applicant Ram Sagar Kashyap is an absconding accused and warrantee in one criminal case. When the complainant tried to arrest him, applicant Ram Sagar Kashyap and his wife applicant Pooja Kashyap both indulged in a fight with complainant, abused him assaulted and injured him. Thus, they deterred him from performing his official duty. Hence, this case.

7. Considered on the entire material present in case diary. As it appears that applicant Ram Sagar Kashyap has a criminal record, therefore, I am not inclined to allow his anticipatory bail application. However, considering the case of applicant Pooja Kashyap and further considering that she is pregnant, I feel inclined to allow her application.
8. Accordingly, anticipatory bail application of applicant Smt. Puja Kashyap @ Puja Pandey i.e. MCRCA No.857 of 2019, is allowed and it is directed that in the event of her arrest in connection with aforesaid offence, she shall be released on bail by the officer arresting her on his executing a personal bond in the sum of Rs.25,000/-with one 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 herself 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) that the applicant shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

9. However, the application of applicant Ram Sagar Kashyap bearing MCRCA No.869 of 2019 is rejected.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nisha