

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 1306 of 2019**

Om Prakash Kaivart, S/o. Shri Nandram Kaivart, Aged About 34 Years,
R/o. Village Botalda, Police Station - Kharsia, District - Raigarh,
Chhattisgarh.

----Applicant**Versus**

State Of Chhattisgarh, Through : S.H.O. Police Station- Kharsia, District -
Raigarh, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Awadh Tripathi, Advocate
For Respondent/State	: Mr. Shrikant Kaushik, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****23/10/2019**

1. Apprehending arrest in connection with Crime No.735/2018, registered at Police Station – Kharsia, District – Raigarh (C.G.) for offence punishable under Section 384, 34 of the Indian Penal Code, the applicant has preferred this second application for grant of anticipatory bail. The first bail application for grant of anticipatory bail is dismissed as withdrawn vide order dated 03.01.2019 in M.Cr.C.(A) No.1624 of 2018.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. According to the material present in the investigation and the charge-sheet, no case is made out against the applicant regarding commission of offence under Section 384 of I.P.C. as no money has passed. Therefore, it is prayed that the applicant may be granted anticipatory bail.
3. Per contra learned State counsel opposes the application for grant of bail and the submissions made in this respect. It is submitted that

this applicant actively assisted the main accused person in commission of offence, therefore, he is not entitled for grant of anticipatory bail.

4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. According to the prosecution case, co-accused Lachhiram and his wife had matrimonial dispute because of which, his wife has lodged FIR for commission of offence under Section 498-A of I.P.C. In the meanwhile, this applicant informed maternal uncle of the wife of the co-accused that co-accused has in his possession some obscene video recording of his wife, for which he is making demand of Rs.5.00 lakh, which may be fulfilled to get from him the video recording. Hence, this case.
6. Considered the submissions made and the contents of the case diary. Considering that this applicant has not made in demand for himself and there is no evidence that any money was paid, hence for this reason, this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicant.
7. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is allowed.
8. 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 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) that 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/-
(Rajendra Chandra Singh Samant)
Judge

Balram