

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1344 of 2019

1. Amrit Lal Kashyap S/o Late Gendram Kashyap, Aged about 78 years,
2. Lav Kumar, S/o Manharan Lal, Aged about 42 years,
Both are R/o Village Dongakohroud, P.S. Pamgarh, Distt. Janjgir-Champa (C.G).
3. Parmanand S/o Babuji Singh Sarwa, Aged about 53 years R/o Village Pakariya, P.S. Mulmula, Distt. Janjgir-Champa (C.G.)

---- Applicants

Versus

State of Chhattisgarh, Through S.H.O P.S. Nawagarh, Distt. Janjgir-Champa (C.G.)

---- Respondent

For Applicants	:	Mr. H.V. Sharma, Advocate
For Respondent	:	Ms. Smita Ghai, PL

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

05/11/2019

1. The Applicants have filed this application for grant of anticipatory bail as they are apprehending their arrest in connection with Crime No. 169/2019 registered at police station Nawagarh, Distt. Janjgir-Champa (C.G.) for the offence punishable under Section 384/34 of the IPC and Section 7 of the Protection of Civil Rights Act, 1955.
2. As per prosecution story, Complainant Sitaram Kashyap has lodged a complaint against the Applicants alleging therein that on 17/03/2018, a social meeting was called at Village Taga, where the Complainant and other persons requested the office bearer of the society for reunion of the families whose children have done inter-caste marriage. It is alleged that the office bearer of the society imposed a fine of Rs. 50,000/- upon the Complainant stating that the Complainant has taken

the favour of so call out society members. It is further alleged that the Applicants and other office bearer also restrained him to participate in the death rituals of his mother-in-law due to default in deposit of penalty of fine.

3. Learned counsel appearing on behalf of the Applicants submits that the Applicants have been falsely implicated in the present case. They being office bearer of the society, only imposed fine upon the Complainant which does not come under the purview of extortion, therefore, prima-facie no offence under Section 384 of the IPC is made out against the Applicants. It is further submitted that since the allegation with regard to Section 7 of the Protection of Civil Rights Act, 1955 has been made against some other persons, therefore, no case is made out against the Applicants. He prays that the Applicants may be granted benefit of anticipatory bail.
4. On the other hand, learned counsel appearing on behalf of the State opposed the bail application.
5. I have heard counsel for the parties and perused the record.
6. Considering the facts and circumstances of the case and the submission put forth by the counsel for the parties, particularly considering that the alleged fine was imposed on 17/03/2018 and FIR has been lodged on 24/07/2019 and further the allegation has been made against other people for the offence punishable under Section 7 of the Protection of Civil Rights Act, 1955, without further commenting on other merits of the case, I am inclined to grant the benefit of anticipatory bail in favour of the Applicants.
7. Accordingly, this bail application is allowed.

8. It is directed that in the event of arrest, the Applicants shall be released on bail on each of them furnishing a bond in the sum of Rs. 20,000/- with one surety for the like sum to the satisfaction of the officer arresting them and they shall abide by all the following terms and conditions:

- i. That, the accused/Applicants shall make themselves available for interrogation before the concerned Investigating Officer as and when required;
- ii. The accused/Applicants 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. The accused/Applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- iv. The Applicants shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

9. Certified copy, as per rules.

Sd/-
(Arvind Singh Chandel)
Judge