

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 880 of 2020

1. Pratap Bhanu S/o Kanhaiya Lal Kashyap Aged About 36 Years R/o Village- Kaitha, P.S. Hasaud Tahsil Jaijaiur, District : Janjgir-Champa, Chhattisgarh
2. Prakash Narayan S/o Kanhaiya Lal Kashyap Aged About 38 Years Occupation- Govt. R/o Village- Kaitha, P.S. Hasaud Tahsil Jaijaiur, District : Janjgir-Champa, Chhattisgarh
3. Vivek Alias Gudda Kashyap S/o Matuk Kashyap Aged About 23 Years Occupation- Ba Student , R/o Village- Kaitha, P.S. Hasaud Tahsil Jaijaiur, District : Janjgir-Champa, Chhattisgarh

---- Applicants

Versus

State Of Chhattisgarh Through Police Station- Hasaud, District :
Janjgir-Champa, Chhattisgarh

---- Respondent

For Applicants	: Mr. Avadhesh Mishra, Advocate.
For Respondent/State	: Mr. Alok Nigam, G.A.

Hon'ble Shri Justice Arvind Singh Chandel

Order On Board

15.09.2020

1. The matter is heard through Video Conferencing.
2. The applicants have filed this First Bail Application for grant of anticipatory bail under Section 438 of the Cr.P.C. as they are apprehending their arrest in connection with Crime No.47/2020, registered at Police Station: Hasaud, District: Janjgir-Champa (C.G.) for the offence punishable under Section 384 & 34 of IPC and Section 07 of Civil Rights Protection Act.
3. According to the case of prosecution, the younger son of the complainant namely Vijay Kashyap had performed marriage with his cousin Chandraprabha in the year 2015. Both of them came their

Village namely Kaitha in the year 2018 to participate in the marriage ceremony of the elder son namely Uttara Kashyap of the complainant. Allegedly, on 08.05.2018, present Applicant along with other co-accused person called the complainant in social meeting of Kurmi Samaj on 10.05.2018 and imposed the fine of Rs.10,000/- upon him for inviting his younger son Vijay and Chandraprabha in the social marriage of his elder son namely Uttara Kashyap. Consequently, none of them participated in the marriage and thereby they boy-cotted the complainant from the Kurmi Samaj. A report was filed by the complainant. On the basis of said, offence has been registered.

4. Learned counsel appearing on behalf of the applicants submits that the applicants are falsely implicated in the present case. He submits that Applicant No.1 and 2 are the Government teachers and the Applicant No.3 is the student who doesn't reside in the Village Kaitha, the Applicants were also not present in the social meeting as well. Just to create pressure their names have been falsely implicated by the complainant. He further submits that from the contents of FIR, Prima Facie no case under Section 384 of IPC is made out, therefore, he prays for grant of anticipatory bail to the Applicants.
5. Per contra, learned counsel appearing on behalf of State opposes the bail application.
6. I have heard learned Counsel for the parties.
7. Considering the facts and circumstances of the case, arguments advanced by the counsel for the parties and after going through the contents of FIR and material placed on record, without further commenting on other merits of the case, in my considered opinion, it is a fit case for grant anticipatory bail to the applicants.
8. Accordingly, the anticipatory bail application is allowed.
9. It is directed that in the event of arrest, the applicants shall be released on bail on each of them furnishing a personal bond in the sum of Rs. 25,000/- 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 made 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.

Sd/-

(Arvind Singh Chandel)
Judge

Saurabh