

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No.4073 of 2015**

Bhuwaneshwar Shukla @ Lavkush, S/o Nand Kumar Shukla, aged about 41 years, R/o Village Amlidih, Tahsil Saja, District Bemetara, Civil and Revenue Distt.Bemetara (CG)

---Applicant

Versus

State of Chhattisgarh, through the Station House Officer, PS Durg, Tahsil & District Durg (CG)

---Non-applicant

For Applicant	:	Mr. Matin Siddiqui, Advocate
For Non-applicant	:	Mr. O.P.Sahu, Govt.Advocate

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

26/08/2015

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.18/2014, registered at Police Station-Durg, District-Durg (C.G.), for the offence punishable under Sections 420, 467, 468 and 471 of the IPC.

2. Case of the prosecution, in brief, is that the applicant and other co-accused persons have obtained huge money for issuance of forged certificates/marksheets of B. Ed and D. Ed in order to facilitate the co-accused to obtain jobs and thereby committed the aforesaid offence.

3. Learned counsel for the applicant would submit that the applicant has not committed any offence, in fact, co-accused Smt.Sandhya Rajput, Dipti Baghel and Smt.Sarika Gupta, who have obtained employment on the basis of forged documents they have been enlarged on anticipatory bail by this Court vide order dated 26.2.2015 in M.Cr.C.(A) No.68/2014. He would also submit that there are only statements of Sandhya Rajput and Virendra Kumar Sahu,

who is brother of co-accused Durga Sahu and on that basis the present applicant has been falsely implicated in offence in question. He is Shiksha Karmi Grade-III and offence is said to have been committed from 10.9.2012 to 5.12.2012, whereas the F.I.R. was lodged on 6.1.2014, he is in jail since 21.7.2015, offence is triable by Judicial Magistrate First Class, main allegation is against Pankaj Sharma and Ghanshyam Yadav. He would also submit that other co-accused persons have been released either on anticipatory bail or on regular bail, substantive investigation has already been completed and since the applicant has been subsequently added as an accused, therefore, charge-sheet is likely to be filed, therefore, he may be released on regular bail.

4. On the other hand, learned counsel for the State would oppose the bail application and submit that name of the present applicant is clearly apparent from the statements of Sandhya Rajput and Virendra Kumar Sahu.

5. I have heard learned counsel appearing for the parties and perused the case diary.

6. Taking into consideration the facts and circumstances of the case; further taking into consideration the nature and gravity of offence; role of the present applicant; the fact that co-accused have been released on anticipatory bail particularly, Smt.Sandhya Rajput, Dipti Baghel and Smt.Sarika Gupta and some other co-accused persons have been released on regular bail, the applicant is in jail since 21.7.2015, further considering that the offence is triable by the Judicial Magistrate First Class and also considering the material available on record, this Court is of the opinion that present is the fit case, in which, the applicant should be enlarged on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that applicant shall be released on bail on furnishing a personal bond in the 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.

9. Certified copy as per rules.

Sd/-

(Sanjay K. Agrawal)
JUDGE

B/-