

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 911 of 2015

- Naresh Kumar Kant S/o Shri Bhoj Ram Kant Aged About 24 Years R/o Village - Bhathudand, Post - Diwanpur, Police Station & Tahsil - Patthalgaon, Civil And Revenue District - Jashpur Nagar (Chhattisgarh).

---- Petitioner

Versus

- State Of Chhattisgarh Through : The Station House Officer, Police Station - Jashpur Nagar, Civil & Revenue District - Jashpur Nagar (Chhattisgarh).
- State Of Chhattisgarh Through : The District Magistrate Jashpur Nagar, Civil & Revenue District - Jashpur Nagar (Chhattisgarh).

---- Respondents

For applicant	Shri Paras Mani Shriwas, Advocate
For Respondent/State	Shri D.R. Minj, Dy. GA

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board By

21/09/2015

1. This application under Section 438 of Cr.P.C. has been filed by the applicant apprehending his arrest in connection with Crime No.223/2015, registered in Police Station Jashpur Nagar, District Jashpur, for alleged commission of offence under Sections 420 of the IPC.
2. The case of the prosecution, in brief, is that the applicant, though is permanent resident of Janjgir, District Janjgir-Champa, applied and

obtained a domicile certificate showing him to be a resident of District Jashpur at Patthalgaon and on that basis obtained employment. Later on, this was reviewed resulting in termination from service and registration of criminal case.

3. Learned counsel for the applicant submits that the applicant has not suppressed the fact regarding he being permanent resident of Janjgir, District Janjgir-Champa, but he claimed to be resident of Patthalgaon on the basis that he had taken up his studies there and it is a bonafide claim of his status rather than suppression with criminal intent.
4. On the other hand, learned State counsel opposes and submits that even though the applicant was not entitled to be granted status of resident of Patthalgaon, District Jashpur, the applicant misleading the authorities obtained the certificate and used for the purpose of cheating in order to procure employment.
5. Taking into consideration the submissions made by the learned counsel for the parties and further taking the consideration that the applicant claims to be entitled to certificate on the basis that he had taken up his studies at Patthalgaon for long time, the bail application is allowed.
6. The application is accordingly allowed. 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 arresting officer on his furnishing a personal bond in the sum of Rs.20,000/- along with one local surety for the like amount to the satisfaction of the arresting officer with following further conditions that:

- (i) the applicant shall make himself available for interrogation by the police officer as and when required;
- (ii) 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 from disclosing such facts to the Court or to any police officer;

Certified copy as per rules.

Sd/-

(Manindra Mohan Shrivastava)
Judge

Nirala