

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 7036 of 2015

1. Parshuram, S/o. Budhram, aged about 38 years, R/o. Village-Jobga, P.S. - Surajpur, District – Surajpur (C.G.)
2. Rameshwar Shingh, S/o. Rambharos, Caste-Gond, aged about 37 years, R/o. Sapkara, P.S. Surajpur, District – Surajpur (C.G.).
3. Sushil Kumar Jaiswal, S/o. Mahaveer Prasad Jaiswal, Caste-Jaiswal, aged about 40 years, R/o. Mani, P.S. - Surajpur, District – Surajpur (C.G.)

---- Applicants

Versus

State Of Chhattisgarh Through Police Station Surajpur, District
Surajpur Chhattisgarh.

---- Respondent

For Applicants :- Shri Sourabh Dangi, Advocate

For Respondent/ State :- Shri Ashish Shukla, Government Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

16/12/2015

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested in connection with Crime No. 263/2015 registered at Police Station- Surajpur, District Surajpur (C.G.) for the offence punishable under Sections 420, 467, 468, 471, 120-B and Section 13(1) (D) 13(2) of Prevention of Corruption Act.
2. The prosecution story in brief is that the applicants were appointed as Shikshha Karmi Grade-3 at Janpad Panchayat Surajpur in the year 2007. The applicants were given marks for their experience certificates on the different heads, however, they were not entitled for the same in collusion of Evaluation Committee Members. Hence, the

offence under the aforesaid sections have registered against the applicants.

3. Learned counsel for the applicants submit that these are not the case of the prosecution, as the applicants have not submitted any forged certificates/documents. He further submits that initially the issue was taken in the writ jurisdiction wherein registration of FIR was stated. He further submits that the Evaluation Committee makes the report and given the number and on the basis of rules of Panchayat Shikshakarmis (Recruitment and Conditions of Services) Rules 1997, the Selection Committee selects the candidates and subsequently they were given employment to the applicants. He further submits that in the year 2007 the appointment is said to be made and after laps of 8 years, the applicants have been inculpated in the crime. He further submits that the charge sheet in this case has already been filed and the similarly placed co-accused in this case has been enlarged on bail by this Court in M.Cr.C.No.6357/2015 vide order dated 26.11.2015, therefore, the counsel prays that the applicants may be enlarged on bail.
4. Learned State counsel opposes the prayer for grant of bail.
5. Having regard to the fact and the nature of offence and the allegation levelled against the applicants and the fact that applicant No. 1 is in jail since 18.10.2015 and the applicant No.2 & 3 are in jail since 19.10.2015 and further taking into the fact that similarly placed co-accused persons have been enlarged on bail by this Court in M.Cr.C.No.6357/2015 vide order dated 26.11.2015, I am inclined to release the applicants on regular bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.

7. It is directed that the applicants shall be released on bail on furnishing a personal bond for a sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.
8. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Balram