

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6317 of 2015

Rakesh Kumar Rathore, S/o. Shri Laxminarayan Rathore, aged about 52 years, Caste- Rathore(Teli) Occupation Service(Lecturer), presently residing at Village Mahadevdand, P.S. and Tahsil Bagicha, R/o. of Village Bhathora, P.S. Kusmunda Chowki, Hardibazar, Tehsil Katghora, District Korba (C.G.)

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Bagicha, District Jashpur (C.G.)

---- Respondent

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

Hon'ble Shri Justice Goutam Bhaduri

Order On Board By

24/11/2015

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No. 193/2015 registered at Police Station- Bagicha, District Jashpur (C.G.) for the offence punishable under Sections 419,441,468,114,420 of IPC and section 6 and 10 of C.G. Pariksha Adhiniyam.
2. The prosecution story in brief, is that the applicant was working as incharge at Government Higher Secondary School Mahadevdand, wherein two persons namely Arjun Chouhan and Budhwanti were found to appear in the examination centre in place of actual examinee Amit Kumar Gupta and Subhadra Gwala and large number of photocopies of answer of question papers were found in the room of Examination Centre.

3. Counsel for the applicant submits that the applicant is innocent and he has been falsely implicated in this case. He further submits that the applicant is the only incharge of the examination center and not the invigilator of the particular class room and therefore, he may be enlarged on bail.
4. However, on the other hand state counsel opposes the prayer for grant of bail.
5. Having regard to the fact that the evidence available against the applicant and the applicant was the incharge of the examination centre and not the invigilator of the particular class room and considering the detention period of applicant, this Court is of the opinion that it is a fit case, in which, the applicant should be enlarged on regular bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on furnishing a personal bond for a 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.
8. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge