

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC(A) No.1002 of 2015

Satyanarayan Jaiswal, son of Shivlal Jaiswal, aged about 45 years,
occupation Agriculture, R/o village Karanji, P.S. Vishrampur, District
Surajpur --- **Applicant**

Versus

State of Chhattisgarh through Station House Officer, Police Station
Surajpur, District Surajpur (C.G) --- **Respondent**

For the applicant : Mr. Jitendra Shrivastava, Advocate

For the Respondent : Mr. Satish Gupta, Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

03.11.2015

1. Apprehending arrest in connection with Crime No. 263 of 2015 registered at Police Station Surajpur District Surajpur (C.G) for the offences punishable under Sections 420, 467, 468, 471 & 120-B IPC read with sections 13(1(d), 13(2) of Prevention of Corruption Act. the applicant has filed this application under Section 438 Cr.P.C., for grant of anticipatory bail.
2. As per the prosecution case, applicant along-with other co-accused was part of the Selection Committee for recruitment to the post of Shiksha Karmis. It is stated that in the year 2007 as many as 99 candidates were selected for the post of Shiksha Karmis. It is alleged that the persons who were not possessing requisite qualifications or valid documents were given marks and eventually the selection was made without any supporting documents. When the complaints were filed, the matter was investigated and the charge sheet has been filed.
3. Learned counsel for the applicant submits that the entire procedure has been done by the Evaluation Committee and the Evaluation Committee consists of Chief Executive Officer, Janpad Panchayat, Surajpur, Block Education Officer Surajpur, Project Officer and Panchayat Inspector, Surajpur. The Evaluation Committee has evaluated the documents which were found to be wrong and the applicant has been wrongly inculpated though he was not a member of Evaluation Committee. Learned counsel for the applicant further

submits that thereafter, an enquiry was also conducted in which four persons were held liable. He further submits that the applicant was member of the approval/selection committee and therefore, he has not played any role in the case.

4. Per contra, learned State Counsel opposes the bail application and submits that the applicant was member of the Selection Committee and on the basis of evaluation, the selection committee selected the candidates and the signature of the applicant was appended in the selection list prepared in the year 2007. Learned State Counsel further submits that the selection list which contains the signature of the applicant was seized by the prosecution and it has been sent for expert opinion.
5. I have heard learned counsel for the parties.
6. Having considered the arguments advanced and the fact that the selection list/ merit list which is seized by the prosecution contains the signature of the applicant, it cannot be said that the the applicant has not played any role in commission of crime. As has been pointed out and records show that the selection list has been sent for expert opinion by the State which is said to have contained the signatures of the applicant. Therefore, It is not a case to prima facie hold that the applicant has not played any part thereby the provisions of Section 438 Cr.P.C., can be extended at the threshold.
7. Considering the documents of the case diary, I am not inclined to enlarge the applicant on anticipatory bail. Accordingly this application is dismissed.

Sd/-

**GOUTAM BHADURI
JUDGE**