

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC(A) No. 1072 of 2015

Santosh Kumar Jain S/o Shri Purushottam Jain Aged About 34 Years
By Caste Kalar, R/o Village Nara, Post Bagodar, Tahsil Kanker, Police
Station Kanker, Civil And Rev. Distt. Kanker Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through S.H.O. Police Station Anti Corruption
Bureau, Raipur, Distt. Raipur Chhattisgarh.

---- Respondent

For applicant – Shri Awadh Tripathi, Advocate.
For Respondent/State – Shri Ashish Shukla, G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

3/11/2015

1. This application under Section 438 of Cr.P.C. has been filed by the applicant apprehending his arrest in connection with Crime No.51/2009 registered at Police Station Anti Corruption Bureau, Raipur, District Raipur (C.G.) for offence punishable under Section 420, 467, 468, 471 & 120-B/34 of IPC and Section 13(1)(d), 13 (2) of Prevention of Corruption Act.
2. As per the prosecution case, complaint was lodged by one Lochan Pandey with allegation that in the year 2006-2007 irregularities were found and the applicant who was selected as Shiksha Karmi Grade-II had submitted false certificate of experience issued from Government High School, Dudawa and on that basis enquiry was made and the applicant is being apprehended.
3. Learned counsel for the applicant submits that at the time of getting service, the applicant has submitted certificate issued from Government

High School, Dudawa. Certificate purports that he had the experience. The prosecution instead of making enquiry on the ground of probability without making enquiry from the concerned Principal has registered case against the applicant, therefore on presumption the applicant has been inculcated.

4. Learned State counsel opposes the prayer for grant of anticipatory bail and submits that on the basis of enquiry made it was found that applicant has submitted false experience certificate.

5. I have gone through the case diary and the documents. According to the prosecution on the ground of probability it has been assumed that the certificate submitted by the applicant is forged case has been registered. Considering the evidence available in this case against this applicant, I am inclined to extend benefit of anticipatory bail to the applicant.

6. Accordingly, the anticipatory bail application is allowed and 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 officer arresting him on executing a personal bond in sum of Rs.25,000/- with one local surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicant shall also abide by the following conditions:-

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

- (iii) that the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) the applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
JUDGE