

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C.(A). No. 1056 of 2015

1. Ramvilas Sharma, S/o. Ramhit Sharma, aged about 62 years, R/o. Surajpur, Mishra Gali, Gopalpur, Police Station and Post Surajpur, Civil & Revenue District – Surajpur (C.G.)

----Applicant

Versus

1. State Of Chhattisgarh, Through : Police Station - Surajpur, District – Surajpur (C.G.)

---- Respondent

For Applicant	: Mr. Manoj Paranjpe, Advocate
For Respondent/State	: Mr. Ashish Shukla, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

02/12/2015

1. Apprehending arrest in connection with Crime No.263/2015 registered at Police Station- Surajpur, District – Surajpur (C.G.), for offence punishable under Section 420/34 of Indian Penal Code, the applicant has preferred this application for grant of anticipatory bail.
2. As per the prosecution case, the applicant was the member of selection and scrutiny committee for appointment of Shikshakarmi Grade-3 in the year 2007 and the allegations are that on the basis of forged documents supplied by the candidates or without any supply of the documents, certain marks were given to the candidates, for which they were not otherwise eligible to be appointed. Thereby the genuine candidate could not procure the employment. It is further case of the prosecution that by providing false and fictitious number to the candidates for the obvious reason, the offence has been committed.

3. Learned counsel for the applicant would submit that initially in the year 2007 on the basis of the documents given by the different shikshakarmies it was evaluated by the present applicant alongwith other members of the selection committee and numbers were given. It is further submitted that in the year 2011 on enquiry made, direction was made to lodge the FIR on 11.10.2011, which was subject of challenge in W.P.(S) No.6564/2011, wherein the Coordinate Bench of this Court by an order dated 09.11.2011 had stayed the direction of registration of FIR against the applicant and the said order is still in operation. It is further submitted that clarification was sought by this Court from the State that whether the subsequent FIR registered on 08.07.2015 is one and same or not and in reply to it, it is submitted that the issue of registration of FIR with respect to the applicant is one and same which has been stayed by the Coordinate Bench of this Court vide order dated 09.11.2011 in WP(S) No.6564/2011. Consequently, the counsel submits that gross contempt has been committed by the State authority and the respondent/complainant is party to it. He further submits that subsequently even otherwise when the FIR was made on 08.07.2015 and the enquiry was made and the charge sheet has been filed on 22.10.2015, no custodial interrogation was felt required by the police officer. Consequently, the presence of the applicant is not required in the present case. Therefore, the counsel prays that the applicant may be extended the benefit of anticipatory bail.
4. Per contra, the learned State counsel opposes the bail and would submit that except this applicant, no stay was granted in respect of FIR. He would further submit that charge sheet in this case has been filed and in view of this, the applicant is not entitled for grant of anticipatory bail. .

5. I have gone through the case diary and the interim order dated 09.11.2011, whereby the coordinate Bench of this Court has stayed the direction of registration of FIR, wherein the applicant was party. Further perusal of the affidavit would show that State has categorically stated that the stay order dated 09.11.2011 is one and same, which was passed in WP(S) No.6564/2011 and subsequently the FIR was made on 08.07.2015. Prima-facie it appears that the effect of the direction of registration of FIR against the applicant was stayed. Considering the fact that charge sheet in this case has been filed, the effect of the order of FIR probably has to see another bout of litigation and further taking into the facts and the documents available on record, no custodial interrogation is required in this case, therefore, this Court is inclined to extend the 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 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) that 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

Balram