

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC(A) No. 1102 of 2015

Pushkar Ram Diwaker, son of Raju Ram Diwaker, aged about 44 years, resident of village & post Markatola (Largaon), Block & P.S. Narharpur, Civil & Revenue District – North Bastar, Kanker (C.G)

--- Applicant

Versus

State of Chhattisgarh, through State Economic Crime Investigation/Anticorruption Bureau, Raipur, District Raipur, Chhattisgarh

--- Respondent

For the applicant : Mr. C. K. Sahu, Advocate.

For the Respondent : Mr. Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

19.11.2015

1. Apprehending arrest in connection with Crime No.51/2015 registered at Police Station State Economic Crime Investigation/Anti Corruption Bureau (ACB) Raipur C.G) for the offences punishable under Sections 420, 467, 468,. 471, 120-B/34 of IPC & Section 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, in the year 2006-2007 the applicant was appointed as Shiksha Karmi, Grade-II, by the District Panchayat Kanker at Kokpur on the basis of forged experienced certificate. Thereafter on enquiry being conducted, it was found that the applicant has submitted forged certificate and he obtained the job on the basis of forged experience certificate.
3. Learned counsel for the applicant submits that initially when he applied for the post of Shiksha Karmi, the experience certificate was not submitted along-with application. However, subsequently at the time of interview when he was asked, the certificate was submitted which shows that he has imparted education in Janbhagidari High School Kokpur, Distt. Kanker from the year July 2003 to May 2006. Thereafter, when it was enquired in the year 2009, the Principal stated that it was not issued and on the basis of presumption, the crime was registered. He submits that the investigation is going on therefore, it cannot be said that it is a forged certificate which is

subject of trial before the court below. He therefore prays for releasing the applicant on anticipatory bail.

4. Per contra, learned State Counsel opposes the bail application.
5. A perusal of the case diary would reveal that the certificate of the year 2006 which was subsequently submitted was issued by the Gram Panchayat Kokpur signed by the Principal and when the enquiry was made in the year 2009, the Principal has stated that the certificate was not issued by him.
6. Taking into totality of the facts and circumstances and the evidence available in the case diary and the fact that the investigation is going on, I am inclined to release the applicant on anticipatory bail.
7. 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 officer arresting him or the concerned Investigating Officer. The applicant shall also abide by the following conditions :-

- (i) that he shall make himself available for interrogation before the investigating officer as and when required;
- (ii) that he 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 any police officer;
- (iii) that he shall not act in any manner which will be prejudicial to fair and expeditious trial; and
- (iv) that he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

C.c. as per rules.

Sd/-

**GOUTAM BHADURI
JUDGE**