

HIGH COURT OF CHHATTISGARH AT BILASPUR

M.Cr.C.(A) No. 1140 /2015

Jitendra Kumar Jurri, S/o Late Tijauram Jurri, Aged About 38 Years,
Caste- Gond, R/o Bhilai, Tahsil - Charama, District - Kanker, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through the In-charge Officer, Anti Corruption
Bureau, District- Raipur, Chhattisgarh

---- Respondent

For Applicant : Mr. D.N.Prajapati, Advocate.

For Respondent : Mr. Ashish Shukla, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

17/12/2015

1. Apprehending arrest in connection with Crime No.51/2009 registered at Police Station- Anti Corruption Bureau, District Raipur (C.G.) for the offence punishable under Section 420, 467, 468, 471, 120-B readwith Section 34 of Indian Penal Code and Section 13(1) (D), 13(2) of Prevention of Corruption Act, the applicant has preferred this application under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail.
2. As per the prosecution story, in brief, the applicant on the basis of forged experience certificate of Principal, Higher Secondary School, Muldongri and the President of Jan Bhagidari Samiti, Muldongri, obtained the employment of Shiksha Karmi Grade-II at Kanker.
3. Learned counsel for the applicant submits that the applicant has not joined to the post of Shiksha Karmi Grade-II at Kanker, therefore, the question of obtaining and getting benefit on the forged certificate do not arise at all.

4. On the earlier date of hearing, learned State counsel was directed to verify the fact as to whether the applicant has joined the post of Shiksha Karmi Grade-II at the place of posting at Kanker or not ?
5. Learned State counsel on verification and communication made by a letter dated 10.12.2015 by the police has confirmed the fact that the applicant has not joined the post of Shiksha Karmi Grade-II.
6. Therefore, considering the fact that the applicant has not joined the post of Shiksha Karmi Grade-II, I am inclined to extend the benefit of Section 438 of Cr.P.C. to the applicant.
7. Accordingly, the anticipatory bail application is allowed.
8. 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 furnishing a personal bond to a 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