

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC(A) No. 1182 of 2015

1. Raj Kishore Sharma, son of Brijbhusan Sharma, aged about 50 years, Caste Brahman, resident of village Kokpur, Civil and Revenue District North Bastar, Kanker (C.G).
2. Ankalu Markam, son of Late Birsai Markam, aged about 45 years, caste Gond, resident of village Kokpur, Civil & District North Bastar Kanker (C.G.)
--- Applicants

Versus

State of Chhattisgarh through the Anti Corruption Bureau/Economic Offences Wing, Raipur --- **Non-applicant**

For the applicants	:	Mr. Sandeep Shrivastava, Advocate
For the Respondent	:	Mr. Anant Bajpai, Panel Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

19 .11.2015

1. Apprehending arrest in connection with in connection with Crime No. 51 of 2009 registered at P.S. ACB/EOW, Raipur District Raipur (C.G) for the offence punishable under Sections 420, 467, 468, 471, 120-B/34 of IPC read with Section 13(1)(d), 13(2) of the Prevention of Corruption Act, 1988, the applicants have filed this application u/s 438 of the Code of Criminal Procedure for grant of anticipatory bail.
2. As per the prosecution case, applicant No.1 is President of Jan Bagidari Samiti and applicant No.2 is Sarpanch of the Village. The allegation against the applicants is that without verification of the experience certificates which were placed before them, they have authenticated the same and thereby on the basis of forged certificates the persons who were not entitled to get the job of Shikshakarmi got the job.
3. Learned counsel for the applicants submits that the applicants have been falsely been implicated in this case and they have verified the certificates which were placed before them and prima facie the certificates appear to be correct, therefore, believing it to be true, the verification was made and if certain procedure was not followed, it cannot be said that the applicants have committed criminality which may lead to irregularity. Therefore, he submits that the applicants may be enlarged on anticipatory bail.
4. Per contra, learned State Counsel opposes the prayer for grant of

bail and submits that on the basis of verification made by the applicants, the candidates were given marks and thereafter they were selected. If the verification was not made correctly, the applicants were liable for criminal prosecution.

5. I have gone through the case diary and other documents. It appears that applicant No.1 being the President of Jan Bhagidari Samiti and applicant no.2 being Sarpanch of the village have verified various certificates. Prima facie, the certificates at this stage are subject of trial to decide as to whether they were forged or genuine.
6. Taking into the documents available in this case diary and the evidence collected so far, I am of the opinion that it is a fit case to enlarge the applicants on anticipatory bail.
7. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of the applicants in connection with the aforesaid offence, they shall be released on bail by the officer arresting them on each of them executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the officer arresting them or the concerned Investigating Officer. The applicants shall also abide by the following conditions :-
 - (i) that they shall make themselves available for interrogation before the investigating officer as and when required;
 - (ii) that they 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 they shall not act in any manner which will be prejudicial to fair and expeditious trial; and
 - (iv) that they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

C.c. as per rules.

Sd/-

**GOUTAM BHADURI
JUDGE**