

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6297 of 2015

Manish Singh, S/o. Ramjeet Singh, Aged About 29 Years, R/o. Sector MLDA Colony, House No.1019, Aashiyana Lucknow. Permanent Address- Village & Post Shona, P.S. Badhariya, Distt. Siwan, Bihar.

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, Police Of Police Station Ganj, Distt. Raipur, Chhattisgarh

---- Respondent

For Applicant : Mr. Sunil Kumar Singh, Advocate

For Respondent : Mr. Ashish Shukla, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

08/12/2015

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.91/2015 registered at Police Station- Ganj, District Raipur (C.G.) for the offence punishable under Sections 420, 467, 468, 471, 120-B read with Section 34 of Indian Penal Code and Section 4(A) 10 of the Chhattisgarh Public Examination (Prevention of Unfair Means) Act, 2008.
2. Case of the prosecution, in brief, is that the PMT exam was to be conducted by the Chhattisgarh Professional Examination Board on 19.06.2011 and on 18.06.2011 Police Station Ganj received a secret information that few of the papers were leaked out and sold and thereafter on a raid being conducted in the Udaydeep Hotel, the applicant fled away, however, the other co-accused were apprehended. Subsequently, the investigation was being carried

out and the charge sheet was filed wherein the present applicant was shown as absconding and after trial the accused have been convicted on different charges.

3. Learned counsel for the applicant submits that the applicant may be given conditional bail for one month and during the time the trial Court may be directed to conclude the trial and any condition may be imposed on him that he may not go out of the city. He further submits that even the accused when was allowed to visit Lukhnow to see his ailing mother on the medical ground, the applicant was taken under huge custody of the police only for few minutes which shows bias of the police authorities.
4. Per contra, learned State counsel vehemently opposes the prayer for grant of bail and he would submit that the applicant on 18.06.2011 when the raid was conducted in Udaideep Hotel fled away from the Hotel and the police had visited Ujjain, Bhopal, Satna Baharia and Sivan, however, he could not be arrested. Ultimately showing him absconding the charge sheet was filed. The TIP is still to be conducted against this applicant by the Hotel employees and manager and only on the tower location of the mobile after long trace the applicant could be apprehended. The State counsel further submits that Virendra Mishra and Ramesh Kumar have stated that he has provided the guessing paper i.e. question paper of the Chemistry to the prospective purchaser and submits that Chemistry paper which was sold was found to be the same which was to be meant for examination on 19.06.2011.
5. I have heard learned counsel for the parties and perused the case diary.
6. The supplementary charge sheet has been filed against this applicant showing him absconding. Perusal of the charge sheet

would show that the Chemistry exam papers were leaked out which was meant for PMT exam. Having considered the statement of Virendra Mishra and Ramesh Kumar which would show that the guessing papers were given by this applicant and further taking into the nature and gravity of offence and the fact that the applicant was absconding since long and thereafter on a raid being made he was apprehended, I am not inclined to release the applicant on bail.

7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge