

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6420 of 2015

Pradeep Kumar Jaiswal S/o Rambilas Jaiswal Aged About 30 Years
R/o Village Dedri - Salka, Police Station Surajpur Civil And Rev. Distt.
Surajpur Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police
Station Surajpur, Civil And Rev. Distt. Surajpur Chhattisgarh.

---- Respondent

For Applicant	:-	Shri Ashok Kumar Shukla Advocate
For Respondent/ State	:-	Shri Ashish Shukla, Government Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board By

26/11/2015

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. 263/2015 registered at Police Station- Surajpur, District Surajpur (C.G.) for the offence punishable under Sections 420,467,468,471,120-B read with section 13(1) (D) 13(2) of Prevention of Corruption Act.
2. The prosecution story in brief is that the applicant namely Pradeep Kumar Jaiswal who was appointed as Shikshha Karmi Grade-3 at Janpad Panchayat Surajpur in the year 2007. The applicant was given marks for his experience certificate on the different heads and he was entitled for the same, thereby, in collusion of Evaluation Committee Members, the members have committed the offence and procured the employment. Hence, the offence under the aforesaid sections have registered against the applicant.

3. Learned counsel for the applicant submits that this is not the case of the prosecution, as the applicant has not submitted any forged certificate/documents. He further submits that initially the issue was taken in the writ jurisdiction wherein registration of FIR was stated. He further submits that the Evaluation Committee makes the report and given the number and on the basis of rules of Panchayat Shikshakarmis (Recruitment and Conditions of Services) Rules 1997, the Selection Committee selects the candidates and subsequently they were given employment to the applicants. He further submits that in the year 2007 the appointment is said to be made and after laps of 8 years, the applicant has been inculpated in the crime. He further submits that the charge sheet in this case has already been filed.
4. Learned State counsel opposes the prayer for grant of bail.
5. Having regard to the fact and the nature of offence and the allegation level against and the fact the applicant is in jail since 19.10.2015, this Court is of the opinion, that present is a fit case, in which, the applicants should be enlarged on regular bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicants shall be released on bail on furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd/-
(Goutam Bhaduri)
Judge