

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6910 of 2015

- Kanchan Xaxa W/o Adolf Trikey, Aged About 27 Years R/o Village Mado, Police Station Aasta, Civil And Revenue District Jashpur, Chhattisgarh, At Present R/o Keshav Nagar, Police Station & Post Vishrampur, Civil And Revenue District Surajpur, Chhattisgarh

----- Petitioner

Versus

- State of Chhattisgarh Through Police Station Surajpur, District Surajpur, Chhattisgarh

----- Respondent

MCRC No. 6921 of 2015

- Smt. Balo Singh W/o Jairam Singh, Aged About 30 Years R/o Village Biharpur, Police Station Jainagar, Post Jainagar, Civil And Revenue District Surajpur, Chhattisgarh

----- Petitioner

Versus

- State of Chhattisgarh Through Police Station Surajpur, District Surajpur, Chhattisgarh

----- Respondent

For Applicant (s)	:-	Shri Manoj Paranjpe, Advocate
For Respondent/ State	:-	Shri Ashish Shukla, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

15.12.2015

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. 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. Since both these applications are arising out of the same crime number, they are being decided together by this common order.
3. The prosecution story, in brief, is that the applicants namely Kanchan Xaxa and Smt. Balco singh were appointed as Shiksha Karmi Grade-3 at Janpad Panchayat Surajpur in the year 2007. The applicants were given marks on account of their experience certificates though they were not entitled for the same, however, in collusion with Evaluation Committee Members, the applicants have obtained employment, thereby the eligible candidates were deprived of the selection. Hence, the offence under the aforesaid sections have registered against the applicants.
4. Learned counsel for the applicants denies the prosecution case and submits that the applicants have not submitted any forged certificates/ documents and they were appointed by way of proper selection procedure. He further submits that initially the issue was taken up in the writ jurisdiction wherein registration of FIR was stated. He further submits that the Evaluation Committee makes the report and gives 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 appointments were said to be made and after lapse of 8

years, the applicants have been inculpated in the crime. He further submits that the charge sheet in these cases have already been filed.

5. Learned State counsel opposes the prayer for grant of bail.
6. Having regard to the fact and the nature of offence and the degree of allegations level against the applicants and the fact the applicants are in jail since 20.10.2015 this Court is inclined to release the applicants on bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. are allowed.
8. It is directed that the applicants shall be released on bail on each of them furnishing a personal bond in sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge