

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7161 of 2015

- Harilal Singh S/o Prem Sai Singh Aged About 41 Years R/o Hiradabari, P.S. Jainagr, District Surajpur Chhattisgarh.

---- Petitioner

Versus

- State of Chhattisgarh Through The Station House Officer, Police Station Surajpur, District Surajpur Chhattisgarh.

---- Respondent

For the applicant	:	Mr. Keshav Prasad Gupta, Advocate.
For the Respondent	:	Mr. Anil S. Pandey, Govt. Advocate,

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

23.12.2015

1. This is an application filed u/s 439 of the Code of Criminal Procedure seeking granting of regular bail to the applicant in connection with Crime No. 263/2015 registered at Police station Surajpur (C.G) for the offences punishable under sections 420, 467, 468, 471, 120-B of IPC and Section 13(1) (d) & 13(2) of Prevention of Corruption Act.
2. As per the prosecution case, certain persons were appointed as Shiksha Karmi, Grade-III in Surajpur in the year 2007 and the applicant was member of the Selection Committee. Thereafter, complaints were made and on enquiry it was revealed that the candidates who were not entitled have been wrongly awarded marks though they were not holding requisite certificates/qualifications and those candidates were selected to the post of Shiksha Karmi on the basis of extraneous considerations and as such the real meritorious candidates were deprived of the selection. The allegation

against the applicant is that at the relevant time, the applicant was member of the Selection Committee and committed irregularities in awarding the marks to those persons who were not entitled for such marks.

3. Learned counsel for the applicant submits that the role of the selection committee and role of the scrutiny committee have been defined under the Panchayat Act and so far as scrutiny of documents and allotment of marks are concerned, that is within the arena of Scrutiny Committee, therefore, the applicant being member of the selection committee has no role in awarding the marks. He further submits that on the basis of the documents supplied and the number which was given by the scrutiny committee, he was under compulsion to select the candidates. It is further submitted that the offence is alleged to have been committed in the year 2007 and after a long gap of 8 years, the report has been made. It is also submitted that similarly placed co-accused Rajkumar Rajwade has been enlarged on bail by this Court in M.Cr.C.No. 6904/2015 decided on 14.12.2015. He further submits that the charge sheet has been filed and the applicant is in jail since 23.09.2015, therefore, he prays for releasing the applicant on bail.
4. Per contra, learned State Counsel opposes the bail application. However, he does not dispute the fact that similarly placed co-accused has been enlarged on bail by this Court.
5. Having regard to the fact that the charge sheet in this case has been filed and the evidence available in this case is documentary in nature and taking into fact that similarly placed co-accused has been enlarged on bail by this Court in M.Cr.C.No.6904/2015 and looking to the detention period of

the applicant as the applicant is said to be in jail since 23.09.2015 and the trial may take some time, I am inclined to release the applicant on bail.

6. Accordingly, the application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court . He is directed to appear before the said Court as and when directed by the said Court.

Cc as per rules.

**Sd/-
GOUTAM BHADURI
JUDGE**

Rao