

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C.(A). No. 1017 of 2015

1. Bhupesh Fhai, S/o. Dr. J.B. Fhai, aged about 44 years, presently posted as in-Charge Assistant Director, Tribal Research and Training Centre, Block Education Officer, District Raipur (C.G.)

----Applicant

Versus

1. State Of Chhattisgarh, Through : the Station House Officer, Police Station – Mainpur, Tahsil Mainpur, District Gariyaband (C.G.)

---- Respondent

For Applicant	: Mr. Amrito Das, Advocate
For Respondent/State	: Mr. Ramakant Mishra, Dy.A.G.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

28/10/2015

1. Apprehending arrest in connection with Crime No.14/2012 registered at Police Station- Mainpur, District Gariyaband, for offence punishable under Section 420, 467, 468, 471, 120-B/34 of IPC, the applicant has preferred this application for grant of anticipatory bail.
2. As per the prosecution case, it is alleged that during recruitment of Shiksha Karmis in Janpad Panchayat Mainpur, District Gariyaband in the year 2008 several candidates submitted forged certificates and obtained appointment as Shiksha Karmis. The forgery was detected when the higher officer examined complaints moved by other candidates. It is said that this applicant, as part of members of selection committee acted upon the forge certificate without verifying the same and thus was a part of conspiracy to commit concoction of document, fraud etc.
3. Learned counsel for the applicant would submit that the applicant is only member of the scrutiny committee and his role was only to

verify the photocopy of the documents at the time of scrutiny with the original, which was done and if the original itself was fake, it was impossible in absence of particular complaint to individual. He would further submit that similarly placed co-accused person has already been enlarged on anticipatory bail by order dated 19.02.2015, passed in M.Cr.C.(A) No.1269/2014 and the case of the applicant being similar he is entitled to be released on anticipatory bail.

4. Per contra, the learned State counsel after verifying the record would submit that the case of the present applicant is similar to the case of the co-accused Meena Tirki.
5. Undisputedly, the applicant was member of Selection Committee and there is no allegation that it is he, who produced the forged certificates. Considering the nature of the role played by the applicant, he was member of the scrutiny and was only verified the documents on the basis of original. Considering role played and the communication being made about the duty of the members of the scrutiny committee, which is placed on record by the Chief Executive Officer and further since the similarly placed co-accused has already been enlarged on bail, this Court is inclined to extend the benefit of anticipatory bail to the applicant.
6. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail by the officer arresting him on executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicant shall also abide by the following conditions :

- (i) that the applicant shall make himself available for interrogation before the investigating officer as and when required;
- (ii) that the applicant 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 to any police officer;
- (iii) that the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Balram