

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC(A) No. 1070 of 2015

Smt. Anita Sahu W/o Dilip Sahu Aged About 35 Years D/o Ganesh
Ram Sahu, R/o Village & Post Govindpur, P.S. Kanker, Civil &
Revenue Distt. North Baster Kanker (Chhattisgarh).

---- Applicant

Versus

State Of Chhattisgarh Through The In-Charge Officer, Anti Corruption
Bureau, Raipur, Distt. Raipur (Chhattisgarh).

---- Respondent

For applicant – Shri Sunil Sahu, Advocate.
For Respondent/State – Shri Ashish Shukla, G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

3/11/2015

1. This application under Section 438 of Cr.P.C. has been filed by the applicant apprehending her arrest in connection with Crime No.51/2009 registered at Police Station Anti Corruption Bureau, Raipur for offence punishable under Section 420, 467, 468, 471, 120-B read with section 34 of IPC and Section 13(1)(D), 13 (2) of Prevention of Corruption Act.
2. As per the prosecution case, applicant was appointed as Shiksha Karmi Grade II in the year 2006 and certificate was submitted of the experience which was signed by the Principal in the year 2004 which was certified by the Sarpanch also and according to the prosecution when it was enquired in the year 2006, it was found to be forged, therefore case was registered.
3. Learned counsel for the applicant submits that applicant has submitted the certificate of experience to impart studies from 2001 to 2002, 2003 at school of Ratesara and the certificate was issued at that

time by the respective Principal of the school which was certified by the Sarpanch in 2004. On such certificate was submitted at the time of absorption as a Shiksha Karmi, he submits that when enquiry was made in 2009, the then Principal who was posted in 2009 reported that he has not signed the certificate. On that basis, it is presumed by the prosecution that false certificate was issued. Therefore, learned counsel for the applicant submits that applicant may be extended benefit of anticipatory bail.

4. Learned state counsel opposes the prayer for grant of bail and submits that false certificate was issued.

5. Perusal of the document and the case diary would reveal that a certificate which is said to be forged was issued in the year 2004 and considering the enquiry was made in 2009 when the Principal who was present in 2009 stated that certificate was not issued by him. Therefore, taking into account totality of the case and the fact that applicant is a lady and also taking into fact that the investigation is complete, I am inclined to extend 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, she shall be released on bail by the officer arresting her on executing a personal bond in sum of Rs.25,000/- with one local 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 herself 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) the applicant shall appear before the trial Court on each and every date given to her by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
JUDGE