

HIGH COURT OF CHHATTISGARH, BIL

Order Sheet

MCRCA No. 187 of 2016

- Amit Kumar Gupta S/o Shiv Kumar Gupta Aged About 26 Years R/o Village Kunkuri Dugdugia Basti, Police Station Kunkuri, Tehsil Kunkuri Distt. Jashpur Chhattisgarh
--- **Petitioner**

Versus

- State of Chhattisgarh through, In-Charge Officer Police Station Bagicha Civil & Revenue Distt. Jashpur Chhattisgarh
--- **Respondent**

03.03.2016	Mr. Akhilesh Kumar, counsel for the applicant. Mr. Sunita Jain, Panel Lawyer, for the State. Apprehending arrest in connection with Crime No.193/ 2015 registered at P.S. Bagicha, Civil and Revenue District Jashpur (C.G), for the offences punishable u/ss 419, 441, 468, 420, 114 of IPC and Sections 6 & 10 of C.G. Examination Act, 2008, the applicant has filed this application under Section 438 of the Code of Criminal Procedure. According to the prosecution case, in 12th examination which was conducted on 23.10.2015 by Rashtriya Mukta Vidyala Pariksha in place of applicant one Arjun Chouhan appeared and while the examination was going on, Arjun Chauhan was caught as he was answering the question paper and subsequently the matter came to fore that the applicant did not appear and in his place, Arjun Chauhan was engaged to write the examination on behalf of the applicant, thereby the offence has been committed.	

Counsel for the applicant submits that the applicant is an innocent student and he has been falsely implicated in this case and the other co-accused Rakesh Kumar Rathore and Arjun Chauhan have been enlarged on regular bail by this Court in M.Cr.C.Nos.6317 and 7451 of 2015, therefore, the applicant may be enlarged on bail.

Per contra, learned State Counsel opposes the bail.

Having regard to the evidence available against the applicant and the fact that the applicant was absconding and the charge sheet has been filed in his absence, I do not find it a fit case to extend the benefit of section 438 Cr.P.C. Accordingly, the bail application is rejected.

**Sd/-
GOUTAM BHADURI
JUDGE**

Rao