

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C.(A). No. 244 of 2016

1. Prabhucharan Toppo, S/o. M.S. Toppo, aged about 25 years, R/o. Village-Sonkyari, Post-Manora, District-Jashpur (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : the Station House Officer, Police Station - Jashpur, District- Jashpur (C.G.)

---- Respondent

For Applicant	: Mr. Goutam Khetrapal, Advocate
For Respondent/State	: Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

15/03/2016

1. Apprehending arrest in connection with Crime No.35/2016 registered at Police Station- Jashpur, District – Jashpur (C.G.), for offence punishable under Section 420, 468, 471, 34 of the Indian Penal Code, the applicant has preferred this application for grant of anticipatory bail.
2. As per the prosecution case, a complaint was made by one Chandrakumar that the candidature of the applicant was accepted for the post of Pharmacist Grade-II and according to the advertisement, the applicant was not having live pharmacist registration certificate on the date of submission of application i.e. 20.06.2012. Subsequently, it was submitted on 23.07.2012, which could not have been made and thereby the fraud has been committed.
3. Learned counsel for the applicant would submit that the applicant while submitting the application had made clear endorsement in the application that pharmacist certificate shall be submitted later on and subsequently it was submitted and the registration was made

on 23.07.2012 and taking into the merit of the applicant, he was selected. He further submits that on the earlier occasion, the complaint was made and by an order dated 04.07.2014, which is filed alongwith this application, the services of the applicant was terminated, which was subject of challenge before this High Court in W.P.(S) No.3582/2014, wherein this Court by an order dated 12.08.2014 has stayed the termination and after such stay of termination, again the applicant has joined his services. So again repeated complaint was made. Therefore, the counsel submits that no criminality can be attributed to this applicant, therefore, the counsel prays that the applicant may be extended the benefit of anticipatory bail.

4. Per contra, the State counsel opposes the bail application.
5. Perused the case diary and the documents filed along-with this bail application. Perusal of the documents filed alongwith the application would show that endorsement was made by the applicant that pharmacist certificate shall be deposited. Subsequently the pharmacist certificate was deposited and thereafter, the applicant was selected. Taking into such allegation and the documents, 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