

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2044 of 2016

Manish Singh S/o Shri Ramjeet Singh Aged About 30 Years R/o
Sector M L D A Colony, House No. 1019, Aashiyana Lucknow,
Permanent Address - Village & Post Shona, Police Station -
Badhariya, District - Siwan, Bihar.

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police
Station Ganj, Distt. Raipur Chhattisgarh.

---- Respondent

For applicant - Shri Chandresh Shrivastava, Advocate.
For Respondent/State – Shri Sangarsh Pandey, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

3/05/2016

1. This is second bail application under Section 439 of Cr.P.C. The earlier bail application was dismissed on 8/12/2015 on merits.
2. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No. 91/2011 (wrongly mentioned as 91/2015 in Annexure A-1) registered in Police Station Ganj, Distt. Raipur (C.G.). for offence punishable under sections 420, 467, 468, 471, 120-B read with section 34 of Indian Penal Code and Section 4 (A) 10 of the Chhattisgarh Public Examination (Prevention of Unfair Means) Act, 2008.
3. Case of the prosecution, in brief, is that the PMT exam was to be conducted by the Chhattisgarh Professional Examination Board on 19/06/2011 and on 18/06/2011 Police Station Ganj received a secret information that few of the papers were leaked out and sold and thereafter on a raid being conducted in the Udaydeep Hotel, the applicant fled away, however, the other co-accused were apprehended. Subsequently, the investigation was being carried out and the charge sheet was filed

wherein the present applicant was shown as absconding and after trial the accused have been convicted on different charges.

4. Learned counsel for the applicant submits that applicant was not absconding and in the trial no charges has yet been framed till today, therefore the applicant is in jail since 13/10/2015. He submits that considering the progress in trial applicant may be released on bail.

5. Learned State counsel opposes the prayer for grant of bail.

6. Earlier bail application was rejected on merits on 8/12/2015. While dismissing such bail application statement of Virendra Mishra and Ramesh Kumar was considered who have deposed against this applicant that the applicant has given the guess paper of chemistry which were found as that of original paper of chemistry in PMT. Applicant was arrested on 13/10/2015 and other accused Rajesh Kumar Sachan, Sunil Kumar Singh, Satyanarayan Sahu, Shailendra Kumar Pandey and Dhiraj Kumar Upadhyay they have been convicted. Akhilesh Kumar Pandey and Bediram were also co-accused have also absconded after grant of bail and Bediram is absconding. Considering the level of allegation against this applicant and the applicant is in jail since 13/10/2015 and the fact that applicant was absconding since long and supplementary challan was filed after trial of the other co-accused who were arrested and the way the applicant is arrested after tracing the mobile phone, this court is not inclined to entertain this second bail application.

7. Accordingly, the second bail application is dismissed.

Certified copy as per rules.

Sd/-

(Goutam Bhaduri)

JUDGE

