

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 645 of 2016

- Dev Kumar Chauhan S/o Shri Lakhan Lal Chauhan Aged About 27 Years R/o Village Chhuhipali, P.S. Kosir, Tahsil Sarangarh, District Raigarh, Civil & Revenue District Raigarh, Chhattisgarh. --- **Applicant**

Versus

- State of Chhattisgarh Through Police Station Rakhi, (Wrongly Mentioned Abhanpur) District Raipur, Chhattisgarh. --- **Respondent**

For the applicant	: Mr. Manoj Kr. Sinha, Advocate
For the Respondent	: Mr. Vivek Singhal, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

05.08.2016

1. This is first bail application filed under Section 438 of the Code of Criminal Procedure seeking grant of anticipatory bail to the applicant in connection with Crime No. 78 of 2016 registered at P.S. Rakhi, District Raipur (C.G) for the offence punishable u/s 9, 10 of the Chhattisgarh Public Examination (Prevention of Unfair Means) Act, 2008.
2. As per the prosecution case, the C.G. Swami Vivekanand Technical university conducted B.E., main examination on 03.05.2016 wherein the students of Rawatpur Sarkar College appeared at the examination center of C.I.T. College Bhelwadih. Out of 9 examinees, 8 appeared for the examination and after examination, the answer book-lets were sealed and sent to the University for valuation. While the answer sheets were being valued, it was found that two answer booklets of the same roll number which was allotted to applicant Dev Kumar were available and the answer book-

let of another examinee Avinash Minj was not available. After primary investigation it was found that the applicant appeared in the examination and with the connivance of other accused of C.I.T. College got mixed the duplicate answer book-let which was prepared outside the college and thereafter two answer sheets of the applicant were sealed whereas the answer book let of Avinash Minj was not sealed. It is alleged that the applicant got forged signature of invigilator on duplicate answer book-let and got it mixed with the original answer sheet, thereby the offence is committed.

3. Learned counsel for the applicant would submit that the applicant has not committed any offence which would fall u/s 9 & 10 of the Act, 2008 as there is no leakage of answer book, therefore, the applicant may be enlarged on anticipatory bail.
4. Per contra, learned State Counsel opposes the bail and would submit that the applicant in connivance with other persons tried to replace the original answer book-let by duplicate answer sheet and forged signatures of the invigilator were obtained on the duplicate answer booklet.
5. Perused the case diary documents, which show that the matter is still under investigation.
6. Taking into the nature of allegations and the primary evidence which is available it is not a case where the benefit of section 438 Cr.P.C., can be extended. Accordingly, this bail application is rejected.

Sd/-
GOUTAM BHADURI
JUDGE