

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No.7132 of 2015**

Abhimanyu Shrivastava, S/o Shri Subhakaran Shrivastava, Aged about 23 years, R/o Village-Madsarai, Thana-Janakpur, Tehsil-Baratpur, District-Koriya (CG)

---Applicant

Versus

State of Chhattisgarh, Through Station House Officer, Thana-Sonhat, District-Koriya (CG)

---Non-applicant

For Applicant	:	Mr. Mahesh Mishra, Advocate
For Non-applicant	:	Mr. O.P.Sahu, G.A.

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

22/01/2016

1. This is the second bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.49/2015, registered at Police Station-Sonhat, District-Koriya (C.G.), for the offence punishable under Sections 419 & 420 of the IPC and Sections 3, 4, 6 and 10 of the Examination Act, 2008.
2. First bail application of the applicant has been dismissed as withdrawn with liberty to revive the same after filing of the charge-sheet.
3. Case of the prosecution, in brief, is that the applicant appeared in 12th class Examination in place of his brother on 30.4.2015 and thereby committed the aforesaid offences.
4. Learned counsel for the applicant would submit that the applicant has not committed any offence and he has falsely been implicated in offence in question. There is no report of hand-writing expert implicating the applicant and on the basis of false report, offence has been registered against him. The applicant is in jail since 16.8.2015 and no further interrogation is required to be

taken, therefore, he is entitled to be released on bail.

5. On the other hand, learned counsel for the State would oppose the bail application.

6. I have heard learned counsel appearing for the parties and perused the case diary.

7. Taking into consideration the facts and circumstances of the case; further taking into consideration the nature and gravity of offence; role of the present applicant; the fact that hand-writing expert report has not been received as yet, his period of detention and no further interrogation is required, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.

8. Accordingly, second bail application filed under Section 439 of the Cr.P.C. is allowed.

9. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of **Rs.25,000/-** with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

10. Certified copy as per rules.

Sd/-

(Sanjay K. Agrawal)
JUDGE

B/-