

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. (A) No. 141 of 2016

Santosh Kumar Kashyap S/o. Shri Mohan Lal Kashyap, aged about 36 years, R/o. Vinoba Nagar, P.S. Chakradhar Nagar, Tahsil and District Raigarh (C.G.)

---- Applicant

Versus

State of Chhattisgarh Through - Station House Officer, Police Station Chakradhar Nagar, District Raigarh (C.G.)

---- Respondent

For Applicant	:-	Mr. Awadh Tripathi, Advocate
For Respondent/State	:-	Mr. Gary Mukhopadhyay, Dy. G. A.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

08/03/2016

1. Apprehending arrest in connection with Crime No 257/2015 registered at Police Station- Chakradhar Nagar, District Raigarh C.G.) for the offence punishable under section 420 of Indian Penal Code, the applicant has preferred this application for grant of anticipatory bail.

2. As per the prosecution case, in brief, the applicant was earlier working in the Railway Department as Technical Grade-III, while he was in service in Railway, the advertisement was issued by P.W.D. for the post of Sub Engineer on 30.11.2007. The applicant had obtained no objection certificate from Railway to appear in the examination and he appeared in the exam and was selected. After he was selected he joined the department of P.W.D. however, he continued to discharge his job at Railway, subsequently, it was found that the applicant was employed at two different placed. Therefore, the report was made.

3. Counsel for the applicant submits that the applicant before appearing in the examination has obtained no objection certificate from the concerned department of railway and before joining the P.W.D. he has not disclosed anything about his past service. He further submits that before lodging F.I.R. he had resigned from railway on 28.04.2015, therefore, no criminality has been committed by the applicant and maximum he was liable for departmental enquiry, therefore, the applicant may be given the benefit of anticipatory bail.

4. Per contra, learned State counsel opposes the prayer for grant of anticipatory bail.

5. Perusal of the case diary and the documents would show that the applicant was employed in the Railway Department while he was in service of railway he applied for the post of Sub Engineer and he was selected, therefore, before joining the service, the form which was filled up by the applicant wherein he has not disclosed anything whether he was employed in service or not and kept the same blank. Therefore, he was absorbed in the P.W.D on such declaration. Taking into such documents, it is not the case where the benefit of section 438 of Cr.P.C. can not be extended to the applicant.

5. Accordingly, the anticipatory bail application is dismissed.

Sd/-

(Goutam Bhaduri)

JUDGE