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HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C.(A) No. 296 of 2016

1. Vishnu Prasad Rajwade, S/o. Shri Rana Rajwade, Aged About 30 Years, Caste Rajwar, Occupation Service (Shiksha Karmi Grade III), R/o. Village Pachira, P.S. Surajpur, Tahsil & District Surajpur Chhattisgarh.
2. Prakash Ram, S/o. Shri Ramnath Ram, Aged About 36 Years, Caste Binjhiya, Occupation Service (Shiksha Karmi Grade-III), R/o. Village Kendarai, P.S. Jaynagar, Tahsil & District Surajpur, Chhattisgarh.
3. Smt. Nasrin Ansari, W/o. Shri Mehendi Hasan Ansari, Aged About 29 Years, Caste Ansari, Occupation Service (Shiksha Karmi Grade- III), R/o. Village Karva, P.S. Jaynagar, Tahsil & District Surajpur, Chhattisgarh.
4. Poonam Tirkey, D/o. Shri Amrit Tirkey, Aged About 26 Years, Caste Uraon, Occupation Service (Shiksha Karmi Grade- III), R/o. Village Keshav Nagar, P.S. Bishrampur, Tahsil & District Surajpur, Chhattisgarh.
5. Banarasi Prasad, S/o. Shri Triveni Prasad, Aged About 37 Years, Caste Koiri, Occupation Service (Shiksha Karmi Grade- III), R/o.Village Karva, P.S. Jaynagar, Tahsil & District Surajpur, Chhattisgarh.
6. Smt. Momina Begum, W/o. Shri Sharafat Ali, Aged About 41 Years, Caste Musalman, Occupation Service (Shiksha Karmi Grade- III), R/o. Village Jhumarpara, Post Karanji, P.S. Bishrampur, Tahsil & District Surajpur, Chhattisgarh.
7. Pancham Ram, S/o. Shri Sajjan Ram, Aged About 36 Years, Caste Binjhiya, Occupation Service (Shiksha Karmi Grade- III), R/o. Village Kendarai, P.S. Jaynagar, Tahsil & District Surajpur, Chhattisgarh.
8. Ajay Kumar Rajwade, S/o. Shri Shiv Prasad Rajwade, Aged About 41 Years, Caste Rajwar, Occupation Service (Shiksha Karmi Grade- III), R/o. Village Pachira, P.S. Surajpur, Tahsil & District Surajpur, Chhattisgarh.
9. Rajesh Kispotta, S/o. Shri Hirasai, Aged About 31 Years, Caste Uraon, Occupation Service (Shiksha Karmi Grade-III), R/o. Village Udaipur (Dhab), P.S. Ambikapur, Tahsil Ambikapur, District Surguja, Chhattisgarh.
10. Rajeshwar Prasad Tiwari, S/o. Shri Lal Bahadur Tiwari, Aged About 35 Years, Caste Brahman, Occupation Service (Shiksha Karmi Grade-III), R/o. Village Kamalpur, P.S. Surajpur, Tahsil Ramanujnagar, District Surajpur, Chhattisgarh.
11. Umit Kumar, S/o. Shri Tilakdhari Ram, Aged About 43 Years, Caste Rajwar, Occupation Service (Shiksha Karmi Grade- III), R/o. Village Harra Tikra, P.S. Jaynagar, Tahsil & District Surajpur, Chhattisgarh.

----Applicants

Versus

State Of Chhattisgarh, Through the Station House Officer, Police Station Surajpur, District Surajpur, Chhattisgarh.

---- Respondent

For Applicants : Mr. Ashok K. Shukla with Mr. Atanu Ghosh,
Advocates

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

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

30/03/2016

1. Apprehending arrest in connection with Crime No.263/2015 registered at Police Station Surajpur, District Surajpur (C.G.) for the offence punishable under Section 420, 467, 468, 471, 120(B) of Indian Penal Code and Section 13(1) (d) & 13(2) of Prevention of Corruption Act, the applicants have preferred this application for grant of anticipatory bail.
2. As per the prosecution case, the applicants were appointed as Shikshakarmi Grade-III in Janpad Panchayat-Surajpur in the year 2007. Subsequently, on enquiry being made, it was found that the applicants have not submitted any documents, but the Applicant No.1 was given number for NCC and Sports Certificate; Applicant No.2 was given number for Experience, Scout & Guide and D.Ed. Certificates; Applicant No.3 though was not in the merit list however she was selected; Applicant No.4 was given number for Sports Certificate; Applicant No.5 was given number for Experience and Sports Certificates; Applicant No.6 was given number for Sports and Scout & Guide Certificates; Applicant No.7 was given number for Experience and D.Ed. Certificates; Applicant No.8 was given number for Experience, Sports and Scout & Guide Certificates; Applicants No.9 & 10 were given number for Experience, Scout & Guide and D.Ed.

Certificates and Applicant No.11 was given number for Experience, Scout & Guide and Sports Certificates and respective numbers were awarded to them and thereafter in connivance with the selection committee, they got themselves selected, thereby the eligible candidates were deprived of their right.

3. Learned counsel for the applicants would submit that, they have not submitted any documents and only on the basis of the number given by the selection committee, they were selected. He would further submit that the applicants were selected on their own merits. He further submits that the FIR is delayed by 7 years and there is no custodial interrogation is required, therefore, the applicants may be extended the benefit of anticipatory bail.
4. Per contra, the learned State counsel opposes the prayer for grant of bail and would submit that according to the case diary though the applicants did not submit any documents, but they managed to procure the numbers in connivance with the selection committee and were got selected. It is submitted that charge-sheet in this case has been filed and the applicants are still absconding, therefore, they may not be extended the benefit of anticipatory bail.
5. Perused the case diary and documents and the statement of Manoj Mandal and D.K.Nigam wherein it is stated that despite certain documents i.e. certificates were not deposited, the respective candidates were given numbers and as many as 99 candidates were selected and subsequently on enquiry it was found that though the certificates were not given but they have been selected by giving numbers. Consequently, the involvement of the applicants in procuring the job in connivance with the selection committee in the background

of the facts can not be denied. Considering the facts that the applicants are still absconding and the charge-sheet has been filed, this Court is not inclined to grant anticipatory bail to the applicants.

6. Accordingly, the anticipatory bail application is dismissed.

Sd/-
(Goutam Bhaduri)
Judge

ashok