

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4560 of 2016

Ashraf Khan, S/o. Late Md. Nasir Khan, Aged About 29 Years, R/o. Village- Dandgaon, Thana - Manora, Civil & Revenue Distt.- Jashpur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Police Station- Balrampur (as per charge-sheet), Distt. Balrampur, Chhattisgarh.

---- Respondent

For Applicant : Ms. Sharmila Singhai, Advocate

For Respondent : Mr. Neeraj Jain, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

17.08.2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.29/2016 registered at Police Station- Balrampur, Distt. Balrampur (C.G.) for the offence punishable under Section 420 & 379 of Indian Penal Code and 4(B), 9 & 10 of Chhattisgarh Public Examination (Prevention of Unfair Means) Act, 2008.
2. As per the prosecution case, a report was made on 18.03.2016 that Vikrant Malakar has received an information on his mobile on whatsapp that Shivam is in possession of Class-9th & 11th papers which were to be held and conducted by Madhyamik Shiksha Mandal are available at the rate of Rs.1000/-. Subsequently, on enquiry being made, it was found that applicant in connivance with the other co-accused who was In-charge of K.D.S. School has

taken out the papers and made it available to the public, which is established from the statement of Rijvan.

3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case as it is not clear who has taken out the question paper and no evidence is available on record to show that the applicant has taken out the question paper. She further submits that the In-charge of the K.D.S. School Anuranjan Tirkey has been enlarged on bail by this Court on 20.07.2016 in MCRC No.3844 of 2016 and no further investigation is required, therefore, the applicant may be enlarged on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary and the documents. Considering the facts and circumstances of the case and the fact that the charge sheet has been filed and the applicant is in jail since 27.03.2016, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
7. 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.

Sd/-
(Goutam Bhaduri)
Judge