

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 285 of 2016

Brijesh Kumar, S/o. Yad Ram Gurjar, Aged About 25 Years, R/o. Village Bandka Nagla, Tahsil Hindone City, District Kareli (Rajasthan).

---- Applicant

Versus

State Of Chhattisgarh, Through the Station House Officer, Police Station Kabir Nagar, Raipur, Distt. Raipur, Chhattisgarh

---- Respondent

For Applicant : Mr. B.D.Guru, Advocate

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

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

28/01/2016

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.100/2015 registered at Police Station- Kabir Nagar, Raipur (C.G.) for the offence punishable under Section 419, 420/34 & 120 of Indian Penal Code, 3 & 4 of the Pariksha Adhiniyam and 65 & 66 of the Information Technology Act.
2. Case of the prosecution, in brief, is that on 19.09.2015 when the examination for the post of Office Assistant (Multi Purpose) in Regional Rural Banks was being conducted, the applicant Brijesh Kumar got prepared one Pawan Kumar to appear on his behalf as examinee in the examination and when the enquiry was made, the said Pawan Kumar was caught red handed.
3. Learned counsel for the applicant submits that the similarly placed co-accused namely Hemraj Meena has been enlarged on bail by this Court on 02.12.2015 in M.Cr.C. No.6581 of 2015 and the

allegations are the same, therefore, the present applicant may also be enlarged on bail.

4. Learned State counsel opposes the prayer for grant of bail, however, after verification, he do not dispute the fact that the similarly placed co-accused has been enlarged on bail.
5. Having regard to the facts and circumstances of the case; taking into the fact that the charge sheet has been filed and all the evidence are documentary in nature; further considering the fact that the applicant is in jail since 19.09.2015 and the other similarly placed co-accused has been enlarged on bail, this Court is inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on furnishing a personal bond for a 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.
8. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge