

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 796 of 2015**

Dr. (Smt.) Gopa Bagchi W/o Dr. Shahid Ali, Aged About 58 Years,
R/o Ganesh Enclave, Choti Koni, Bilaspur, P.S. - Koni, District -
Bilaspur (Chhattisgarh).

---- Applicant**Versus**

1. State Of Chhattisgarh, Through : District Magistrate, District - Raipur (Chhattisgarh).
2. State Of Chhattisgarh, Through : S.H.O. Tikrapara, District - Raipur (Chhattisgarh).
3. Shailendra Khandelwal, S/o Dr. S.S. Khandelwal, Aged About 46 Years, R/o 7/9 - Nehru Nagar, East Bhilai, Police Station - Supela, District Durg (Chhattisgarh)

---- Respondents

For applicant – Shri Neeraj Choubey, Advocate.
For Respondent/State – Shri Satish Gupta, G.A.
For complainant – Shri S.C. Verma, Advocate.

Hon'ble Shri Justice Goutam Bhaduri**Order****24/06/2016**

1. This is a case arising out of complaint.
2. This application under Section 438 of Cr.P.C. has been filed by the applicant apprehending her arrest in connection with Complaint Case No.19090/2014 registered before the court of Additional Chief Judicial Magistrate Raipur, District-Raipur (C.G.) for offence punishable under Sections 420, 467, 468, 471 & 120-B of IPC.
3. As per the case of the complainant the applicant Dr. (Smt.) Gopa Bagchi had issued the forged certificate on 7/04/2005 in favour of her husband Dr. Shahid Ali that he had imparted education to the student of Journalism Mass Communication in the University i.e. Guru Ghasidas University, Bilaspur for the academic Session 1995 to March, 2005 (BJMC) & 2003-04, 2004-10 March, 2005 (MMCJ) as Guest Faculty and on the basis of such forged certificate, husband of the applicant Dr.

Shahid Ali procured the job of Reader in Kushabhau Thakere Patrakarita Vishva Vidyalaya, Raipur on a contract basis in the year 2005. Initially complaint was made to the police which was subject of enquiry and subsequently complaint was filed before the court below by the respondent No.3/complainant Shailendra Khandelwal and on the basis of complaint summons have been issued. Therefore, apprehending the arrest, present bail application has been moved.

4. Learned counsel for the applicant would submit that the certificate issued on 7/04/2005 was correct since it would be evident from the communication of the University which was replied to the police by Annexure A-7 on 16/08/2011 that Dr. Shahid Ali has imparted education in the University from 27th September, 1995 and thereafter periodically and was paid remuneration, therefore certificate issued by applicant Dr. (Smt.) Gopa Bagchi on 7/04/2005 was correct and she being head of the department was authorised to issue such certificate as per instruction of the University dated 23/11/2010. It is further submitted that enquiry was also conducted by the University as the applicant was suspended and in enquiry the applicant was exonerated as nothing was proved against her. Therefore, learned counsel submits that under the circumstances the applicant who is head of the department may be granted benefit of anticipatory bail.

5. Learned State counsel and counsel for complainant vehemently opposes the prayer for grant of anticipatory bail. It is stated that it would reveal from the communication Annexure A-7 itself that the certificate which was issued by the applicant on 7/04/2005 do not find place in official record of the University which goes to show that certificate is completely forged. It is submitted that on the basis of such forged

certificate though husband of the applicant Dr. Shahid Ali was studying at Sourashtra University, certificate has been issued in order to procure the job in other institution. It is stated that court has prima facie found it correct that the document so issued was forged and as such summons have been issued, therefore, the applicant may not be given benefit of anticipatory bail.

6. I have perused the documents filed along with the bail application which contains certificate dated 7/04/2005 issued by the applicant in favour of her husband Dr. Shahid Ali showing that he has worked as Guest Faculty from 1995 to March 2005. Communication is also on record of the University which shows that certain amount of remuneration was paid to Dr. Shahid Ali over period of time from 1995 till November, 2004. Said communication also records that certificate issued by the applicant in favour of her husband is not available in the official record. Further this fact is also established in the departmental enquiry finding that the applicant has been exonerated from the charges. Taking into consideration bunch of documents and the fact that applicant head of the department Professor and also for the fact that trial may take some time for hearing, I am inclined to extend benefit of anticipatory bail to the applicant. It is further observed that any observation made in this bail order will not affect merits of this case as the authenticity of the certificate is still to be adjudicated on merits after evaluating the entire evidence.

7. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of the applicant in connection with the aforesaid offence, she shall be released on bail by the officer arresting her on executing a personal bond in sum of Rs.25,000/- with one local surety in the like sum to the satisfaction of the concerned trial court. The

applicant shall also abide by the following conditions:-

- (i) that the applicant shall make herself available for interrogation before the investigating officer as and when required;
- (ii) that the applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;
- (iii) that the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) the applicant shall appear before the trial Court on each and every date given to her by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
JUDGE