

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. (A) No. 171 of 2016

1. Ku. Shashi Lakara D/o. Telespor Lakara, aged about 33 years, Caste Uraon,

2. Pramila Tirkey, D/o. S. Tirkey, aged about 32 years, Caste Uraon

Both R/o. of Village Keshavnagar, P.S. Vishrampur, Tahsil and District Surajpur (C.G.)

---- Applicants

Versus

State of Chhattisgarh Through - the Station House Officer, Police Station – Surajpur, District Surajpur (C.G.)

---- Respondent

For Applicants	: - Mr. Keshav Gupta, Advocate
For Respondent/State	: - Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

01/03/2016

1. Apprehending 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) and 13(2) of Prevention of Corruption Act. The applicants have preferred this application for grant of anticipatory bail.

2. As per the prosecution case, in brief, is that the applicants were appointed as Shikshakarmi Grade-3 in Janpad Panchayat, Surajpur in the year 2007. On 12.11.2014 an enquiry was being made and it was found that the applicants have submitted fake certificates, and on the basis of which they were provided job and subsequently the said certificate were found to be forged and on the basis of forged certificates the applicants procured the employment. Thereby, the offence is registered.

3. Counsel for the applicants submit that the applicant No. 1 Ku. Shashi Lakara has deposited the documents of experience certificate which was not not signed by the competent authority whereas the applicant No. 2 Pramila Tirkey has not at all deposited the certificates and initially the selection was made on the basis of merit and not on the basis of any certificate. He further submits that the FIR is delayed by more than 7 years, therefore, the counsel submits that considering the delay in lodging the FIR, the applicants may be given the benefit of anticipatory bail.

4. Per contra, State counsel opposes the prayer for grant of bail and would submit that the applicant No. 1 has attached the experience certificate in her application form but, the said certificate do not contains the signature of competent officer but managed to get marks and in the application form of the applicant No. 2 the scout guide certificate and experience certificate have not been attached and on the basis of forged certificate, the employment were procured by the applicants, therefore, the applicants should not be given the benefit of anticipatory bail.

5. Perusal of the case diary would show that the charge sheet has been filed and according to the charge-sheet the applicant No. 1 Ku. Shashi Lakara had procured the employment on the basis of experience certificate which was found to be forged and the applicant No. 2 Pramila Tirkey had procured the employment on the basis of experience certificate and sport certificate which was found to be forged. Taking into such evidence and the fact that charge sheet has been filed in this case and the applicants are still absconding, therefore, I am not inclined to grant anticipatory bail to the applicants.

5. Accordingly, the anticipatory bail application is dismissed.

Sd/-

(Goutam Bhaduri)

JUDGE

Santosh