

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. (A) No. 311 of 2016

Basant Kumar Kashyap, Age 49 years, S/o. Jagannath Prasad Kashyap, R/o. Village Nagoi, P.S. Takhatpur, District Bilaspur (C.G.)

---- Applicant

Versus

State of Chhattisgarh Through - Police Station – Chakarbhatha, District Bilaspur (C.G.)

---- Respondent

For Applicant	:-	Mr. Aman Kesharwani, Advocate
For Respondent/State	:-	Ms. Sumit Jhanwar, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

04/04/2016

1. Apprehending in connection with Crime No 314/2015 registered at Police Station- Chakarbhatha, District Bilaspur (C.G.) for the offence punishable under section 468, 471 of Indian Penal Code. The applicant has preferred this application for grant of anticipatory bail.
2. The prosecution case, in brief, is that the applicant was the president of Bahuuddeshiya Vidya Mandir Shikshan Samity, Sakri, which was meant to impart education to the wards of constable, children of Battalion members of Sakri and the villagers and because of the fact that the applicant was not able to discharge his duty, the entire process of imparting education was transferred to Matarani Krishnarani Chawla Smriti. Thereafter, the applicant used the letter head of 2nd Battalion Sakri and made certain correspondence and attached the letter of Government from Home Ministry wherein certain directions were given and the

applicant wanted to impart education to the wards again. On enquiry being conducted the directions so given under the direction of State which were filed along with the letter of applicant were found to be forged as it was not issued by the Government of Chhattisgarh, School Education Department, so the applicant on the basis of forged letter of recommendation wanted to regain it's work.

3. Counsel for the applicant submits that the applicant has falsely been implicated in this case and the fact that the applicant was the president of Bahuuddeshiya Vidya Mandir Shikshan Samity, Sakri, and he has rightly used the letter head for official use and letter correspondence, therefore, the applicant may be given the benefit of anticipatory bail.

4. Per contra, State counsel opposes the prayer for grant of bail.

5. Perused the case diary and document along-with enquiry report. On enquiry report it was found that certain letter head which the applicant used and purported to be for the use of School Education Department was found to be forged. Taking into such case diary and the document, it is not the case where the benefit of section 438 of Cr.P.C. can be extended to the applicant.

5. Accordingly, the anticipatory bail application is dismissed

Sd/-
(Goutam Bhaduri)
JUDGE