

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C.No. 7473 of 2015

Pawan Kumar, S/o. Jagdev Ray, aged about 25 years, R/o. Village & Post Allipur Hatta, P.S. Mahnar, District Vaishali (Bihar).

---- Applicant

Versus

State of Chhattisgarh, Through The Station House Officer, P.S. Kabir Nagar, Raipur, Distt. Raipur, Chhattisgarh.

---- Respondent

For Applicant	:-	Shri B.D. Guru, Advocate
For Respondent/ State	:-	Shri Neeraj Jain, Dy. G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

06/01/2016

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 District – Raipur (C.G.) for the offence punishable under Sections 419, 420/34 and 120 of I.P.C., and Section 3 & 4 of the Pariksha Adhiniyam and section 65 and 66 of the Information Technology Act.
2. As per the prosecution case, in brief, is that on 19.09.2015 when the examination of Office Assistant (Multi Purpose) in Regional Rural Banks was being conducted, one Brijesh Kumar was to appear in the exam and in the examination hall, in place of Brijesh Kumar, the present applicant, Pawan Kumar appeared and was caught red handed in the examination hall. Subsequently, on enquiry, it was revealed that the applicant had appeared in the examination by false personification of Brijesh Kumar.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case and he is innocent. He would further submit that the applicant has only helped his friend to appear in the examination. He would further submit that the applicant is in jail since 19.09.2015 and the charge sheet in this case has been filed and no further evidence is required and therefore, he may be enlarged on bail.
4. Learned State counsel opposes the prayer for grant of bail.
5. Having regard to the facts and the evidence available against the applicant in this case; considering the facts and circumstances of the case and the manner in which the offence has been committed; further taking the fact that the charge sheet has been filed; the evidence available is documentary in nature and considering the detention of the applicant, this Court is of the opinion that it is a fit case where the present applicant can be released 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 local 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