

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 2620 of 2016

Mukesh Kumar Barman, S/o Jangal Prasad Barman, aged about 39 years, R/o near Radha Krishna Temple, Vivekanand Ward Lakhera, Police Station Madhavnagar, Tahsil and District Katni, Madhya Pradesh.

---- Applicant

Versus

State of Chhattisgarh, Through Police Station Bhilai Bhatti, District Durg, Chhattisgarh.

---- Non-Applicant

For Applicant : Mr. Vijay K. Deshmukh, Advocate.

For Non-Applicant : Shri Neeraj Jain, Government Advocate.

Hon'ble Shri P. Sam Koshy, J.

Order on Board

07/06/2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of bail to the Applicant who is in jail since 11.04.2016 in connection with Crime No. 26 of 2015 registered at Police Station Bhilai Bhatti, District Durg for the alleged commission of offence under Section 420 of the Indian Penal Code.

2. Case of the prosecution is that the applicant has been charged for using a fake caste certificate for seeking appointment as a Constable in C.I.S.F. Subsequently on certain complaints, the said caste certificate was put under verification and it was found to be fake and therefore a case has been registered under Section 420 IPC against the present applicant.

3. Learned counsel for the applicant submits that so far as fake caste certificate is concerned, there has been no proper verification done by the State Government, inasmuch as there is a specific finding given by the Collector, Katni, stating that the certificate which was in possession of the applicant, was issued in the year 1991 by the Tehsildar, Jabalpur records of which are not available on account of the fact that the records being old

have already been destroyed. According to the applicant, since the records have been destroyed, there is no proper verification to the fact that it is a fake certificate and therefore the entire case of the prosecution would not be sufficient for convicting the applicant for offence under Section 420 IPC.

4. On the other hand, learned counsel for the State opposing the bail application submits that there is another certificate issued in favour of the applicant of the year 2013 which also on verification by the concerned authorities, has been found to be fake and has not been issued from the Office of the Tehsildar, Jabalpur. However, on verifying the records, it is revealed that the said certificate of the year 2013 is neither in the charge-sheet nor in possession of the prosecution. In any case, the charge against the present applicant is of using a fake caste certificate of the year 1991 for getting appointment.

5. Having heard learned counsel for the parties, taking into consideration the totality of the facts and circumstances, particularly taking note of the letter issued by the Collector, Katni stating that the records pertaining to caste certificate of the year 1991 have already been destroyed, this Court is of the opinion that present is a fit case for grant of bail to the applicant.

6. Accordingly, the application is allowed. It is directed that the applicant shall be released on bail on furnishing a personal bond for a sum of Rs.20,000/- along with one surety of the like amount to the satisfaction of the concerned trial court. He shall appear before the Court below on each and every date given to him by the said Court till disposal of the trial.

Certified copy of the order as per rules.

Sd/-
(P. Sam Koshy)
Vacation Judge

