

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 487 of 2016**

Smt. Subhadra Gwala W/o Shri Baldev Gwala Aged About 42 Years
Caste Ahir, Occupation House Wife, R/o Village Chhichhali, Chauki
Pendrapath, P.S. & Tahsil Bagicha, District Jashpur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Police Station Bagicha, District
Jashpur, Chhattisgarh.

---- Respondent

For applicant – Shri A.K. Yadav, Advocate.

For Respondent/State – Shri Anil S. Pandey, G.A. for the State.

Hon'ble Shri Justice Goutam Bhaduri**Order****23/06/2016**

1. This application under Section 438 of Cr.P.C. has been filed by the applicant apprehending her arrest in connection with Crime No. 193/2015 registered at Police Station Bagicha for offence punishable under Sections 419, 420, 441, 468, 144 R/w 34 of Indian Penal Code and U/s 6 & 10 of C.G. Examination Act 2008. (U/s 34 IPC not mentioned in order dated 25/04/2016)
2. As per the prosecution case, in 12th examination which was conducted on 23/10/2015 by Rashtriya Mukta Vidyalaya Pariksha in place of applicant one Budhwanti appeared and while the examination was going on, Budhwanti was caught as she was answering the question paper and subsequently the matter came to fore that the applicant did not appear and in her place, Budhwanti was engaged to write the examination on behalf of the applicant, thereby the offence has been committed.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case and he submits that there is no iota of evidence to show that applicant has instructed Budhwanti to appear in the

examination and also there is no seizure from Budhwanti. Therefore, learned counsel submits that the applicant may be granted benefit of anticipatory bail.

4. Learned State counsel opposes the prayer for grant of anticipatory bail.

5. Having regard to the evidence available against the applicant and the fact that the applicant was absconding and the charge sheet has been filed in her absence, I am not inclined to extend benefit of anticipatory bail to the applicant.

6. Accordingly, the anticipatory bail application is dismissed.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
JUDGE