

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 493 of 2016

- Usha Kiran Kujur W/o Sanjay Kujur Aged About 32 Years
Caste Uraon, R/o. Village Dhanji (Saraipara), P.S.
Chando, Tahsil Kusmi, District Balrampur Chhattisgarh

---- Petitioner

Versus

- State of Chhattisgarh Through : The Station House
Officer, Police Station Surajpur, District Surajpur
Chhattisgarh

--- Respondent

For the applicant : Mr. Keshav Prasad Gupta, Advocate.
For the Respondent: Mr. Anil S. Pandey, Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

17.06.2016

1. Apprehending arrest in connection with Crime No. 263 of 2015 registered at Police Station Surajpur Distt. Surajpur (C.G) for the offences punishable under section 420, 467, 468, 471, 120-B of IPC and Section 13(1)(d) & 13(2) of Prevention of Corruption Act, the applicant has filed this application u/s 438 of the Code of Criminal Procedure for grant of anticipatory bail. This is second bail application. The earlier bail petition was rejected on 04.03.2016
2. As per the prosecution case, the applicant was appointed as Shiksha Karmi Grade-III in Janpad Panchayat Surajpur in the year 2007. Subsequently, on enquiry being made it was found that the applicant has not produced any valid documents but she was given number for scout guide, sports and experience

certificate and respective numbers were awarded to her and thereafter at the connivance of Selection Committee, she got herself selected, thereby the eligible candidates were deprive of their right.

3. Learned counsel for the applicant produced the birth certificate as Annexure A-3 and submits that on earlier occasion the applicant could not show the fact that the applicant was blessed with baby on 29.10.2015 and therefore considering the fact that similarly placed co-accused Prabha Tigga was granted bail by this Court on the ground that she has to take care of the infant child, the present applicant may also be released on bail on the ground of parity.
4. Per contra, learned State Counsel opposes the prayer. However, he do not dispute that the applicant is also blessed with a baby on 29.11.2015 as per Annexure P-3.
5. Considering the birth certificate which is produced for consideration at this stage and since the applicant has to take care of baby who is infant and also the fact that similarly placed co-accused Prabha Tigga has been granted anticipatory bail on similar ground, without going into merits of the case, I am inclined to release the applicant on bail.
6. Accordingly, the application is allowed and it is directed that in the event of arrest of the applicant in connection with the aforesaid offence, she will be released on bail by the officer arresting her on executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the officer arresting her or the concerned Investigating Officer. The applicant shall also

abide by the following conditions :-

- (i) that she will make herself available for interrogation before the investigating officer as and when required;
- (ii) that she will not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or any police officer;
- (iii) that she will not act in any manner which will be prejudicial to fair and expeditious trial; and
- (iv) that she will appear before the trial Court on each and every date given to her by the said Court till disposal of the trial.

C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE

Rao