

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7451 of 2015

Arjun Chauhan S/o Jairam Chauhan Aged About 25 Years R/o
Village Dugdugia, Kunkuri Police Station Kunkuri Distt. Jashpur
Chhattisgarh

---- Petitioner

Versus

State of Chhattisgarh Through, In-Charge Officer Police Station
Bagicha Civil & Revenue Distt. Jashpur Chhattisgarh

---- Respondent

For Applicant	:-	Mr. Akhilesh Kumar, Advocate
For Respondent/ State	:-	Mr. Anil S. Pandey Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board By

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. 193/2015 registered at Police Station- Bagicha District Jashpur (C.G.) for the offence punishable under Sections 419,441,468,420,114, of IPC and Section 6, 10 of C.G. Examination Act 2008.
2. Case of the prosecution, in brief, is that the applicant was the student and he was caught red handed in the examination on 23.10.2015 at Government Higher Secondary School Mahadevdand, as he was appeared in place of one Amit Kumar Gupta. Thereby, the offence is committed.

3. Counsel for the applicant submits that the applicant has been falsely implicated in this case. He further submits though he was caught red handed, however, no further evidence is required in this case and the charge-sheet has already been filed. He further submits that the charge sheet has been filed before the Judicial Magistrate First Class and the criminal case is pending and no tempering of evidence would be possible and the applicant is in jail since 24.10.2015; therefore, he may be enlarged on bail.
4. Learned State opposes the prayer for grant of bail.
5. Having regard to the fact that the charge sheet in this case has been filed and all the evidence are documentary in nature; the offence is triable by the JMFC and the applicant is in jail since 24.10.2015; this Court is inclined to release the applicant 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 surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd/-
(Goutam Bhaduri)
Judge