

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C.(A) No. 750 of 2016

Satyanarayan Jaiswal, S/o Shivilal Jaiswal, Aged About 46 Years,
Occupation Agriculture, R/o Village Karanji, P.S. Vishrampur,
District Surajpur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through The Station House Officer, Police
Station Surajpur, District Surajpur, Chhattisgarh.

---- Respondent

For applicant – Shri D.K. Gwalre and Shri Jitendra Shrivastava,
Advocate.

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

Hon'ble Shri Justice Goutam Bhaduri

Order

02/09/2016

1. This is the second bail application under Section 438 of Cr.P.C. The earlier bail application was dismissed on 3/11/2015.
2. This application under Section 438 of Cr.P.C. has been filed by the applicant apprehending his arrest in connection with Crime No. 263/2015 registered at Police Station Surajpur, Dist. Surajpur for offence punishable under Sections 420, 467, 468, 471, 120-B/34 of the Indian Penal Code and Sections 13 (1) (d) & 13 (2) of the Prevention of Corruption Act.
3. As per the prosecution case, applicant alongwith other co-accused was part of the Selection Committee for recruitment to the post of Shiksha Karmis. It is stated that in the year 2007 as many as 99 candidates were selected for the post of Shiksha Karmis. It is alleged that the persons who were not possessing requisite qualifications or valid documents were given marks and eventually the selection was

made without any supporting documents. When the complaints were filed, the matter was investigated and the charge sheet has been filed.

4. Learned counsel for the applicant would submit that the applicant is member of the selection committee and the other members who were members of the evaluation committee namely Ramvilas Sharma and Ramesh Kumar Sinha have been enlarged on anticipatory by this court in M.Cr.C.(A) Nos. 1056/2015 & 1001/2015 on 2/12/2015. Learned counsel for the applicant submits that case of the applicant is at better footing. He submits that only role of the applicant that he has endorsed selection list and since members of the evaluation committee have been enlarged on bail, the applicant should be given the same benefit.

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

6. Perused the earlier order passed in M.Cr.C.(A) Nos. 1056/2015 & 1001/2015 wherein two members of the evaluation committee were granted bail primarily on the ground that they had filed a petition W.P. (S) No. 6564/2011 and effect of the FIR was stayed. Such facts were not disputed by the State. Subsequently, FIR was registered and predominantly on that ground since effect of FIR was stayed on that ground anticipatory bail was granted. When query was categorically made as to whether applicant was a party to the W.P.(S) No. 6564/2011, no satisficatory answer could be provided, instead reference is made to W.P.(S) No. 2173/2010 which is filed by Anita Singh & Ors. which was decided on 25th Octobe5r, 2013. Perusal of the certified copy of W.P.(S) No. 2173/2010 it do not show that the

applicant was a party to it. Prima facie, it appears that the applicant has tried to mislead the facts and wrong submission have been made. Considering the fact that earlier same argument was considered while dismissing the bail application on 3/11/2015, I am not inclined to re-consider this second anticipatory bail application.

7. Accordingly, second anticipatory bail application is dismissed.

Sd/-

(Goutam Bhaduri)

JUDGE