

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 1019 of 2016**

Anil Kumar Thakur S/o Shri Ishwer Lal Thakur Aged About 38 Years
 Occupation - Shiksha Karmi Grade - I I I At Present Posted At
 Dormetari Boys Ashram, Pedawari, Block - Durgukondal Kanker
 District - Kanker Chhattisgarh

----Applicant**Versus**

State Of Chhattisgarh Through : The Incharge Office, Anti
 Corruption Bureau, Raipur District - Raipur Chhattisgarh

---- Respondent

For applicant – Ms. Sapna Kshatry, Advocate.

For Respondent/State – Shri Sangarsh Pandey, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri**Order****9/11/2016**

1. This application under Section 438 of Cr.P.C. has been filed by the applicant apprehending his arrest in connection with Crime No. 51/2009 registered at Police Station Anti Corruption Bureau Raipur District Raipur (C.G.) for offence punishable under Sections 420, 467, 468, 471, 120B, 34 of IPC with Section 13(1) D, 13(2) of Prevention of Corruption Act.
2. As per the prosecution case, complaint was made with allegation that in the year 2006-2007 irregularities were found and the applicant who was Shiksha Karmi Grade -II had submitted false certificate of experience issued from Government High School Patela, District Durg and on the basis of enquiry made the applicant is being apprehended.
3. Learned counsel for the applicant submits that the certificate which was submitted at the time of obtaining the service was signed by the Principal who was there in 2006. Subsequently, when enquiry was made Principal of 2009 has stated that he has not issued the certificate,

therefore by simply change of person authenticity of the same cannot be disputed and only on presumption the applicant has been apprehended. She submits that similarly placed co-accused has been enlarged on bail by this court in M.Cr.C.(A) No.1072/2015 on 3/11/2015, therefore the applicant may be granted benefit of anticipatory bail.

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

5. Perused the case diary and the documents. As appears the prosecution has alleged that the certificate which was issued for the school is forged, same is still to be established. Taking into facts and circumstances of the case and further taking into fact that similarly placed co-accused has been enlarged on bail by this court in M.Cr.C.(A) No.1072/2015 on 3/11/2015, I am inclined to extend benefit of anticipatory bail to the applicant.

6. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail by the officer arresting him on executing a personal bond in sum of Rs.25,000/- with one local surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicant shall also abide by the following conditions:-

- (i) that the applicant shall make himself available for interrogation before the investigating officer as and when required;
- (ii) that the applicant shall 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 to any police officer;
- (iii) that the applicant shall not act, in any manner, which will be

prejudicial to fair and expeditious trial; and

(iv) the applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-

(Goutam Bhaduri)

JUDGE

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