

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 982 of 2016**

1. Smt. Yogeshwari, W/o. Shri Dinesh Kumar Sahu, aged about 28 years, R/o. Village-Hirri, Police Station – Pamgarh, District – Janjgir-Champa (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : Police Station : Mahasamund, District – Mahasamund (C.G.)

---- Respondent

AND**M.CR.C.(A). No. 998 of 2016**

1. Dushyant Kumar Ratre, S/o. Shri Baharata Lal Ratre, aged about 32 years, R/o. Village-Sell, Police Station – Kashdol, Civil and Revenue District – Balodabazar (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : the Station House Officer, Police Station : Mahasamund, Civil and Revenue District – Mahasamund (C.G.)

---- Respondent

For Applicants : Mr. Samir Singh & Mr. Parasmani Shrivastava,
Advocates

For Respondent/State : Mr. Anupam Dubey, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****27/10/2016**

1. Apprehending arrest in connection with Crime No.140/2012 registered at Police Station- Mahasamund, District – Mahasamund (C.G.), for offence punishable under Section 420, 467, 468, 471/34 of Indian Penal Code, the applicants have preferred these applications for grant of anticipatory bail.

2. As per the prosecution case, in the year 2011 some advertisement was made for the appointment of Peon. Both the applicants had applied and submitted their mark-sheets. Subsequently, an enquiry was made and it was found that the said mark-sheets were forged, therefore, the entire process of appointment was canceled. However, on the basis of forged mark-sheets, the applicants have been inculpated. Thereby the offence has been committed.
3. Learned counsel for the applicants would submit that the applicants have been falsely implicated in this case and they have not submitted forged mark-sheets and it is only on the assumption and presumption it has been stated that the mark-sheets were forged and neither they were appointed nor they were granted any benefit. Therefore, the counsel prays that the applicants may be extended the benefit of Section 438 of Cr.P.C.
4. Per contra, learned counsel for the State opposes the application for grant of anticipatory bail.
5. I have heard learned counsel for the parties.
6. Perused the case diary and the documents. Considering the facts and circumstances of the case and the fact that the incident is of the year 2011 and prima-facie it appears that no benefit were granted to the applicants and taking into the facts and circumstance of the case, this Court is inclined to extend the benefit of anticipatory bail to the applicants, as no custodial interrogation may be required in this case.
7. Accordingly, the anticipatory bail applications are allowed and it is directed that in the event of arrest of the applicants in connection with the aforesaid offence, they shall be released on bail by the officer arresting them on executing a personal bond in sum of

Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned Investigating Officer. The applicants shall also abide by the following conditions :

- (i) that the applicants shall make themselves available for interrogation before the investigating officer as and when required;
- (ii) that the applicants 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 applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicants shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Certified copy today.

Sd/-
(Goutam Bhaduri)
Judge