

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1078 of 2016**

- Ramashankar Bhaskar S/o Mayaram Bhaskar Aged About 34 Years R/o Village Sel, Police Station Kasdol, District Baloda Bazar Bhatapara, Chhattisgarh.

---- Petitioner

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Centre City Kotwali, Mahasamund District Mahasamund, Chhattisgarh.

---- Respondent

For Applicant : Mr. Suresh Kumar Verma, Advocate

For Respondent/State : Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri**Order on Board****22-12-2016**

1. Apprehending arrest in connection with Crime No.140 of 2012 registered at Police Station City Kotwali, Mahasamund, District Mahasamund (CG) for offence punishable under Sections 420, 34, 467, 468 and 471 of the IPC, the applicant has preferred the instant bail petition for grant of anticipatory bail.
2. As per case of the prosecution, in the year 2011 some advertisement was made for the appointment of Peon. The applicant had applied and submitted his 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 cancelled. However, on the basis of forged mark-sheets, the applicant has been inculpated and thereby the aforesaid offence has been committed.

3. Learned counsel appearing for the applicant would submit that the applicant has been falsely implicated in this case and he has 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 he was appointed nor was granted any benefit. He would further submit that case of the present applicant is similar to that of other co-accused persons namely Smt. Yogeshwari and Dushyant Kumar Ratre, who have been granted anticipatory bail vide order dated 27-10-2016 passed by this Court in M.Cr.C(A) Nos. 982 of 2016 and 998 of 2016, therefore, the applicant may also be extended the benefit of Section 438 of Cr.P.C., on the ground of parity.
4. Learned State counsel opposes the prayer for grant of anticipatory bail, however, he does not dispute the fact that similarly placed other co-accused have been granted anticipatory bail by this court.
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 was granted to the applicant.
7. Taking into the facts and circumstances of the case and also the fact that similarly placed other co-accused have been granted anticipatory bail, this Court is inclined to extend the benefit of anticipatory bail to the applicant as no custodial interrogation may be required in this case.
8. 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 his executing a personal bond in the 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.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju