

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6977 of 2016

- Satyanarayan Jaiswal S/o Shivilal Jaiswal, Aged About 45 Years R/o Village & Post Karanji Police Station Vishrampur, District Surajpur Chhattisgarh --- **Petitioner**

Versus

- State of Chhattisgarh Through The Station House Officer, Police Station Surajpur, District Surajpur Chhattisgarh --- **Respondent**

For the applicant	:	Mr. Jitendra Shrivastava, Advocate
For the Respondent	:	Mr. Anil S. Pandey, Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

09.11.2016

1. This is an application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 263 of 2015 registered at P.S. Surajpur (C.G) for the offence punishable under Sections 420, 467, 468, 471, 120-B/34 of IPC and Section 13(1)(d) & 13(2) of the Prevention of Corruption Act.
2. Case of prosecution, in brief, is that some persons were appointed as Shiksha Karmi Grade-III in Janpad Panchayat Surajpur in the year 2007. Thereafter certain complaints were made against the appointments and on enquiry it was revealed that the candidates who were not eligible to be appointed as Shiksha Karmi have been wrongly awarded marks though they were not holding requisite qualifications but they were selected by awarding such marks, thereby the genuine candidates were deprived of the selection. The allegation against the applicant is that at the relevant time, the applicant was member of the Selection Committee.
3. Learned counsel for the applicant submits that the role of the selection committee and role of the scrutiny committee have been defined under the Panchayat Act and by such Act, being member of the Selection Committee he only recommended the list of selected

candidates to the Scrutiny Committee and so far as scrutiny of documents and allotment of marks are concerned, that is within the arena of Scrutiny Committee, therefore, the applicant has no role in awarding the marks. It is further submitted that similarly situated persons namely Raj Kumar Rajwade, Smt. Lawango Rajwade, Roopnarayan Rajwade, Santosh Kumar Rajwade & Harilal Singh have been enlarged on bail in M.Cr.C.Nos. 6904/2015, 6469, 7470, 7007 & 7161 of 2015. He further submits that the charge sheet has been filed and the applicant is in jail since 17.10.2016, therefore, he prays for releasing the applicant on bail.

4. Per contra, learned State Counsel opposes the bail application. However, he do not dispute the fact that the persons against whom similar allegations were levelled have been enlarged on bail by this Court.
5. Having regard to the fact that similarly placed accused were enlarged on bail by this Court as stated above as also considering the fact that the charge sheet in this case has been filed; the evidence available in this case is documentary in nature and the applicant is in jail since 17.10.2016 and taking into fact that the trial may take some time, I am inclined to release the applicant on bail. Accordingly, the application is allowed.
6. The applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court . He is directed to appear before the said Court as and when directed by the said Court.
7. C.c. as per rules.

Sd/-

**GOUTAM BHADURI
JUDGE**