

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 2980 of 2017**

Sanjay Dubey S/o Yadvendra Prasad Dubey Aged About 34 Years R/o Village- Gopalpur, Thana- Than Khmariya District- Bemetara, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through: Police Station Goal Bazar, Raipur, District- Raipur, Chhattisgarh.

---- Respondent

And**M.Cr.C. No. 2227 Of 2017**

Munnalal Chandrakar S/o Shri Budhru Ram Chandrakar, Aged About 38 Years R/o Village Gopalpur, Police Station Khamhariya, District Bemetara, Chhattisgarh.

---- Applicant

Vs

State Of Chhattisgarh Through Police Station Gole Bazar, District Raipur, Chhattisgarh.

---- Respondent

And**M.Cr.C. No. 2400 Of 2017**

Pankaj Sharma S/o Shri Lakhan Lal Sharma Aged About 30 Years R/o Village Musvadih, Police Station Saja, District- Bemetara, Chhattisgarh.

---- Applicant

Vs

State Of Chhattisgarh Through Station House Officer, Police Station Gol Bazar District- Raipur, Chhattisgarh.

---- Respondent

For the Applicants	:	Ms. Sharmila Singhai, Shri Mateen Siddiqui and Shri Sushil Sahu, Advocates.
For the Respondent/State	:	Shri Neeraj Jain, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER**

20.11.2017

1. All these applications are being decided by this common order as they arise from the same incident. These are the first bail applications of the applicants filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants who have been arrested in connection with Crime No.35 of 2017, registered at Police Station – Gol Bazar, Raipur, District – Raipur, Chhattisgarh for the offence punishable under Sections 420, 468, 471 and 120B/ 34 of the Indian Penal Code.

2. Learned counsel for the applicants submit that the applicants in M.Cr.C. Nos. 2980 of 2017 and 2400 of 2017 are in jail since 17.3.2017 and the applicant in M.Cr.C. No. 2227 of 2017 is in jail since 13.2.2017, they have been falsely implicated in these cases and there is no evidence against any of the applicants in the prosecution case. Almost 32 cases were registered against the applicants and other co-accused persons in the case of producing fake and forged mark-sheets of B.Lib, ISc and other qualifications for appointment to the various posts for which advertisement was published by the District Panchayat, Raipur. The co-accused persons in these cases have been granted bail by the Co-ordinate Bench of this Court and the applicants also have a similar case. Hence, it is prayed that the applicants in all these cases be benefited with grant of bail.

3. On the other hand, learned counsel for the State opposes the bail applications and the arguments submitted in this respect. It is submitted that on the basis of the memorandum statements of the applicants, they had been involved in the commission of series of such offences. Hence, for

these reasons, none of the applicants deserves to be enlarged on bail.

4. Heard counsel for both the parties and perused the case diary.

5. The facts of the case are that applicant – Munnalal Chandrakar had applied for appointment to the post of Librarian with respect to advertisement by the District Panchayat, Raipur. He was assisted by co-accused Sanjay Dubey and Pankaj Sharma to procure fake and forged mark-sheets of Blib and Isc, which was submitted alongwith the form and the originals were presented for spot verification. Later on, the submitted mark-sheets on verification from the said institute was found to be forged on account of which the case has been registered. The case has been investigated and the charge-sheet has been filed.

6. Considering the facts and circumstances of this case and the submissions and the contents of the case diary, the allegation made by applicant – Munnalal Chandrakar in his memorandum statement that there is only one witness, who has stated to have specific knowledge and claims to be eye-witness as well, that the applicants are residents of District Bemetara and there is no difficulty in getting their availability during trial, if they, are released on bail, as also the co-accused persons in this case have been granted bail by the Co-ordinate Bench of this Court and the applicants also have a similar case in connection with the appointments carried out by the District Panchayat, Raipur and no purpose would be served if the applicants are kept in detention for the whole period of trial, these applications are allowed.

7. Accordingly, the bail applications filed under Section 439 of the Cr.P.C. are allowed.

8. It is directed that the applicants in all the cases shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)
Judge