

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2555 of 2017**

- Suraj Kumar Lashkar S/o Premlal Lashkar, Aged About 38 Years R/o Old Sarkandi Shivghat: Police Station- Sarkanda, Tahasil- & District Bilaspur, Chhattisgarh.

---- Petitioner

Versus

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

---- Respondent

And**MCRC No. 3876 Of 2017**

- Anand Sahu S/o R. D. Sahu, Aged About 38 Years R/o Devnandand Nagar Sarkanda, Sipat Road District Bilaspur Chhattisgarh

---- Petitioner

Vs

- State Of Chhattisgarh Police Station Gol Bazar District Raipur Chhattisgarh

---- Respondent

And**MCRC No. 3875 Of 2017**

- Anand Sahu S/o R D Sahu Aged About 38 Years R/o Devnandand Nagar Sarkanda, Sipat Road, District- Bilaspur, Chhattisgarh.

---- Petitioner

Vs

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

---- Respondent

And

MCRC No. 3874 Of 2017

- Anand Sahu S/o R D Sahu Aged About 38 Years R/o Devnandand Nagar Sarkanda, Sipat Road, District- Bilaspur, Chhattisgarh.

---- Petitioner

Vs

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

---- Respondent

And

MCRC No. 3878 Of 2017

- Anand Sahu S/o R. D. Sahu, Aged About 38 Years R/o Devnandand Nagar Sarkanda, Sipat Road District Bilaspur Chhattisgarh

---- Petitioner

Vs

- State Of Chhattisgarh Police Station Gol Bazar District Raipur Chhattisgarh

---- Respondent

And

MCRC No. 4589 Of 2017

- Ajay Kumar Kashyap S/o Late Shri Sarju Prasad Aged About 25 Years R/o Shivghat Beside Little Master School, Ratanpur Road, Police Station Sarkanda, Civil & Revenue District Bilaspur Chhattisgarh.

---- Petitioner

Vs

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

---- Respondent

And

MCRC No.2825 of 2017

- Kuleshwar Verma S/o Shri Karan Singh Verma, Aged about 24 years, R/O Village Kamta, P.S. - Navagarh, District – Bemetara (C.G.)

----- Petitioner

Vs

- State of Chhattisgarh, Through P.S. Gole Bazar, District Raipur (C.G.)

----- Respondent

And

MCRC No. 6968 of 2017

- Anand Sahu S/o R.D. Sahu, Aged About 38 Years R/o Devnandand Nagar Sarkanda, Sipat Road District Bilaspur Chhattisgarh

---- Petitioner

Vs

- State Of Chhattisgarh Police Station Gol Bazar District Raipur Chhattisgarh

---- Respondent

For Applicant-Suraj Kumar Lashkar :

Shri V.C. Ottalwar, Advocate.

For Applicant-Anand Sahu :

Shri Rajeev Shrivastava and Shri Malay Shrivastava, Advocates.

For Applicant-Ajay Kumar Kashyap :

Shri V.K. Tekam, Advocate.

For Applicant-Kuleshwar Verma :

Shri Prateek Sharma, Advocate.

For Respondent-State :

Shri Neeraj Jain, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

20/11/2017

1) All the bail applications are heard and decided together by this common order, as the facts and issue involved is similar in nature, albeit the crime numbers are different.

2) These are the first bail applications filed under Section 439 of the Cr.P.C., 1973 for grant of regular bail to the applicants. The detailed chart of crime number, date of arrest, police station, offence, etc. are as under:-

M.Cr.C.No.	Name of Applicant	Crime No.	Police Station	Offence	Date of Arrest
2555/2017	Suraj Kumar Lashkar	15/2017	Gol Bazar, Raipur	420, 468, 471 of IPC	09.02.2017
3876/2017	Anand Sahu	17/2017	Gol Bazar, Raipur	420, 467, 468, 471, 120-B/34 of IPC	10.02.2017
3875/2017	Anand Sahu	15/2017	Gol Bazar, Raipur	420, 467, 468, 471, 120-B/34 of IPC	10.02.2017
3874/2017	Anand Sahu	20/2017	Gol Bazar, Raipur	420, 467, 468, 471, 120-B/34 of IPC	10.02.2017
3878/2017	Anand Sahu	21/2017	Gol Bazar, Raipur	420, 467, 468, 471, 120-B/34 of IPC	10.02.2017
4589/2017	Ajay Kumar Kashyap	21/2017	Gol Bazar, Raipur	420, 467, 468, 471, 120-B	27.04.2017
2825/2017	Kuleshwar Verma	79/2017	Gol Bazar, Raipur	420, 468, 471 of IPC	26.03.2017

6968/2017	Anand Sahu	16/2017	Gol Bazar, Raipur	420, 467, 468, 471, 120-B/34 & 201 of IPC	10.02.2017
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3) Shri Rajeev Shrivastava, learned counsel appearing for the applicant-Anand Sahu, would submit that the charge sheet has been filed after completion of investigation. The material in the charge sheet does not contain any evidence against the applicant, which can be produced before the trial Court to prove his guilt. The only statement which has been made, the basis of prosecution of the applicant, is the memorandum statement of co-accused, which is not legally admissible. Further, the seizure made from the applicant is only with respect to photocopy of the mark sheets, which is of no relevance. Applicant is willing to abide by all the conditions as imposed while granting bail, therefore, it is prayed that the applicant may be enlarged in bail.

4) Shri V.K. Tekam, learned counsel appearing for the applicant-Ajay Kumar Kashyap, adopted the arguments advanced by Shri Rajeev Shrivastava, learned counsel for the applicant-Anand Sahu and submits that the prosecution against the applicant is baseless and hence he may be enlarged on bail.

5) Shri V.C. Ottalwar and Shri Prateek Sharma, learned counsel appearing for the applicants namely; Suraj Kumar Lashkar & Kuleshwar Verma respectively, would submit that the applicants in this case are the candidates for which the applications are invited. Learned counsel would submit that the similarly situated persons/candidates have already been granted bail by this Court as well as the coordinate bench and hence it is prayed that the applicants may also be enlarged on bail.

6) On the other hand, learned counsel appearing for the State opposes the bail applications.

7) I have heard, learned counsel appearing for all the parties and perused the case diaries of Crime Nos. 15/2017, 17/2017, 21/2017, 20/17, 79/2017 and 16/2017.

8) Facts of the case, in short, are that number of vacancies were advertised by the Zila Panchayat, Raipur inviting applications for appointment to the same. Some of the applicants applied for the job as advertised and submitted certain mark sheets, which were found to be forged or fake on verification from the concerned institution. On the basis of this finding 32 cases were registered against the candidates and others in Police Station, Gol Bazar, Raipur.

9) Having regard to the facts and circumstances of the case; contents of the case diaries; considering the fact that the evidence proposed against the applicants Anand Sahu & Ajay Kumar Kashyap is only the memorandum statement of co-accused; further considering the fact that recovery is made only photocopy of the document, which is alleged to be a forged document; and further that the applicants Suraj Kumar Lashkar & Kuleshwar Verma stand on a similar footing of other co-accused who have already been released on bail, this Court is of the opinion that the present is a fit case in which the applicants herein should be enlarged on regular bail.

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

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

12) Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Gowri