

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 510 of 2017

Tarang Kumar Sharma S/o Shri Nutan Kumar Sharma, Aged About 29 Years R/o B.T.I. Colony, Bemetara, District Bemetara, Chhattisgarh.

---- Applicant

Versus

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

---- Respondent

For Applicant	:	Shri Mateen Siddiqui, Advocate
For State	:	Shri Satish Gupta, Govt. Advocate

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

30/11/2017

Heard.

1. This application under Section 438 of Cr.P.C. has been preferred by the applicant apprehending his arrest in connection with Crime No.69/2017, registered in Police Station- Gol Bazar, District- Raipur, for alleged commission of offence under Sections 420, 467, 468 and 471 IPC.
2. The allegation against the applicant, as per prosecution is that, the applicant along with other co-accused, way back in the year, 2013, is said to have applied for appointment to the post of Librarian. In the course of submission of application for the said post, the present applicant is said to have furnished the fake documents pertaining to his qualification to B.Lib. and Information Science. Subsequently, on account of complaint being made, verification/inquiry was conducted and it was found that the document enclosed so far as his qualification pertaining to B. Lib. was found fake. On the

basis of said inquiry, the order of appointment/selection of the applicant for the said post got cancelled and it was also ordered for initiating criminal action against all the applicants. Though the complaint was received as early as in the year, 2013, an FIR in fact has been lodged only in the year, 2017.

3. Learned counsel appearing for the applicant submitted that in four years of time, there is vast change in circumstances and development that has transpired forcing the applicant to seek anticipatory bail. The applicant could not reap the fruits from the alleged fake document and that he has not received a single month salary by which it can be said that he had put to loss to the State exchequer. It is also submitted by the counsel for the applicant that the applicant had entrusted the job of filling up of the application to one Munna Lal Chandrakar. It was he who had created the fake document in the process of filling up of the application for said appointment. He was not aware as to how Munna Lal was filling up forms for the purpose of granting employment.
4. It was lastly contended that all the other co-accused persons have already been granted anticipatory bail by this court, and therefore benefit of the same may also be extended to the present applicant.
5. The State counsel, however, opposes the application on the ground that there is direct evidence available on record that it was the applicant and other co-accused persons who had applied for the post and that they have used fake documents for the purpose of getting employment. An inquiry was conducted and during the course of inquiry also the allegations levelled against the applicant was found to be correct. Thus, the applicant does not deserve any sympathy and his bail application be rejected.
6. Considering the total facts and circumstances of the case, more particularly the fact that the applicant has not been able to reap any benefit from the fake document, and also taking into consideration the fact that the applicant is a young boy aged about 27 years and in the event the applicant is taken into custody for interrogation, his career and future is likely to be tarnished and adversely affected. Further, since the entire investigation has already been

completed or, if not, at the verge of completion, there is no necessity for any custodial interrogation. On the contrary, the applicant has undertaken to provide full cooperation to the investigating agency and he shall participate and cooperate with the investigating agency whenever called. Therefore, in the opinion of this court, this is a fit cases to grant anticipatory bail to the applicant.

7. Accordingly, the bail application is allowed. It is directed that in the event of arrest, the applicant shall be released on bail on furnishing a bond in the sum of Rs.25,000/- with one surety for the like sum to the satisfaction of the officer arresting him and he shall abide by all the following terms and conditions:

1. That, the accused/applicant shall make himself available for interrogation before the concerned Investigating Officer as and when required;
2. The accused/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;
3. The accused/applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
4. 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.

8. Certified copy, as per rules.

Sd/-
(Manindra Mohan Shrivastava)
Judge