

**NAFR**

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 5668 of 2017**

- Ramlal Shyam S/o Late Prabhudayal, Aged About 58 Years Caste Gond, R/o Village Ambikapur, District Surguja, Chhattisgarh.

**---- Applicant**

**Versus**

- State of Chhattisgarh Through Station House Officer, Police Station Ramkola, District Surajpur, Chhattisgarh.

**---- Respondent**

**And**

**MCRC No. 5848 Of 2017**

- Sanjay Singh S/o Dashrath Singh, Aged About 47 Years R/o Village Songara, Police Station Bhatgaon, Tahsil Pratappur, District Surajpur, Chhattisgarh.

**---- Applicant**

**Vs**

- State of Chhattisgarh Through Police Station Ramkola, District Surajpur, Chhattisgarh.

**---- Respondent**

**And**

**MCRC No. 5826 Of 2017**

- Markush Ekka S/o Late Chiya Ekka, Aged About 49 Years R/o Village Karkoti, Police Station Surajpur, Tahsil Surajpur, District Surajpur, Chhattisgarh.

**---- Applicant**

**Vs**

- State of Chhattisgarh Through Police Station Ramkola, District Surajpur, Chhattisgarh.

**---- Respondent**

**And**

**MCRC No. 6435 of 2017**

- Mohd. Jabbir S/o Jalil Ahmad, Aged About 30 Years R/o Village Badwar, P. S. Ramkola, District Surajpur Chhattisgarh.

**---- Applicant****Versus**

- State of Chhattisgarh Through Station House Officer, Ramkola, District Surajpur Chhattisgarh.

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| For Applicant in M.Cr.C.5668/2017 | : | Shri Rahul Mishra, Advocate   |
| For Applicant in M.Cr.C.5848/2017 | : | Shri Manoj Paranjpe, Advocate |
| For Applicant in M.Cr.C.5826/2017 | : | Shri Ashok Patil, Advocate    |
| For Applicant in M.Cr.C.6435/2017 | : | Shri J.K. Shastri, Advocate   |
| For Respondent-State              | : | Shri Anupam Dubey, Dy. GA     |

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**Hon'ble Shri Justice Goutam Bhaduri****Order On Board****22/11/2017**

1. Since all the bail applications are arising out of the same crime No.12/2017, they are being considered and decided by this common order.
2. The applicants have preferred these first bail applications under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants in connection with Crime No. 12 of 2017 registered at Police Station Ramkola, District Surajpur (CG) for the offence punishable under Sections 420, 466, 467, 468, 471, 477 (A), 506, 120-B & 201 of the I.P.C.
3. As per the prosecution case, a complaint was made by Mohd. Yakub & Mohd. Irfan that one Mohd. Jabbir, who was appointed as Constable, had obtained the job by manipulating the age, so as to make him eligible for the

said post. It is alleged that one Headmaster of the School namely Anuranjan Kujur had made a report that the brother of the Mohd. Jabbir namely; Mohd. Sabir had assaulted him and made forceful manipulation in the School Register, thereby the date of birth of Mohd. Jabbir was changed from 01.09.1983 to 01.09.1986. It is further alleged that Ramlal Shyam & Markush Ekka, who were working as Clerk in the office of District Education Office have prepared the note-sheet and forwarded the same and Sanjay Singh had attested the age certificate. Thereby they were also party to the entire crime to show a manipulated date of birth and fabricated the document.

4. Shri J.K. Shastri, learned counsel for the applicant Mohd. Jabbir would submit that as per the prosecution the date of birth which was shown in the XII<sup>th</sup> Class mark-sheet is 01.09.1986, therefore, the actual date of birth was shown and the advertisement was issued in the year 2013, consequently it cannot be presumed that the alleged manipulation could have been done much prior to the advertisement when the applicant Mohd. Jabbir passed XII<sup>th</sup> examination i.e. in the year 2002. Further the counsel for the applicants namely ; Ramlal Shyam, Sanjay Singh & Markush Ekka would submit that they had only prepared the note-sheet and forwarded the papers on the basis of which the certificate was issued. They would also submit that the charge-sheet in this case has been filed and no further investigation is necessary, therefore, the applicants may be enlarged on bail.
5. Per contra, learned State counsel opposes the prayer for grant of bail.
6. I have perused the documents & charge-sheet. The charge-sheet contains the mark-sheet of Class XII<sup>th</sup> of the applicant Mohd. Jabbir, wherein the date of birth is shown as 01.09.1986. Considering the nature of allegation and

the fact that date of birth of Mohd. Jabbir in the Class XII<sup>th</sup> mark-sheet is mentioned as 01.09.1986 and the mark-sheet is of the year 2002 and also considering the fact that all the evidence appears to be documentary in nature, I am inclined to release the applicants on bail.

7. Accordingly, all the bail applications are allowed applicants are directed to be released on bail on each of them executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. They are directed to appear before the trial Court on each and every date given by the said Court.

Sd/-  
Goutam Bhaduri  
Judge

Ashu