

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 6453 of 2017**

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

---- Applicant**Versus**

State Of Chhattisgarh, Through : S. H. O. Ramkola, District Surajpur
Chhattisgarh

---- Respondent

For Applicant : Mr. J.K. Shastri, Advocate

For Respondent/State : Mr. Wasim Miyan, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**05/12/2017**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested in connection with Crime No.12/2017, registered at Police Station – Ramkola, District – Surajpur (C.G.) for the offence punishable under Section 420, 466, 467, 468, 471, 477 (A), 506, 120-B and 201 of the Indian Penal Code.
2. It is submitted by the learned counsel for the applicant that applicant has been falsely implicated in this case. The main accused persons in this case have been granted bail by the Coordinate Bench of this Court

and the applicant has a similar case, he is in jail since 24.06.2017 and the case against him before the trial Court is likely to take some time for its completion, hence the applicant may be granted bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that on the basis of the case diary, applicant appears to be the main accused, who was the author of the forgery committed, which was made use of by co-accused to procure appointment in police service, hence for this reason, the applicant is not entitled to be released on bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. The facts of the case are that co-accused Mohd. Jabir made use of a school certificate reflecting his date of birth as 01.09.1986. The age of Mohd. Jabbir was verified on a complaint made and on the school register it was found that his actual date of birth was recorded as 01.09.1983. One of the witness Anuranjan Kujur gave statement that Mohd. Shabbir, the brother of Mohd. Jabbir has manipulated the school register by assaulting him in the year 2001, which has been made the basis for prosecution of this applicant.
6. Considered the submissions made and the contents of the case diary. As it appears that disclosure has been made by witness against the applicant after passing of 16 years, which has been made basis for prosecution of the applicant and the co-accused persons have been enlarged on bail, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that applicant shall be released on bail on his 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 his appearance as and when directed.

Certified as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram