

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1013 of 2017

- Birendra Bahadur Sahu S/o Shri Khemram Sahu Aged About 36 Years R/o Village & Post - Post Gandadih Tehsil Saja Police Station Parpodi , District Bemetara Chhattisgarh.

---- Applicant

Versus

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

---- Respondent

And

MCRC No. 7229 Of 2017

- Nakul Kumar Koshle S/o Shri Sukhnandan Koshle, Aged About 28 Years R/o Village Masna, Police Station And Tahsil Lormi District Mugeli Chhattisgarh.

---- Applicant

Vs

- The State Of Chhattisgarh Through The Station House Officer, Police Station Golbazar, Raipur, District Raipur Chhattisgarh.

---- Respondent

For Applicants	:	Mr. Pawan Shrivastava and Mr. Himanshu Sharma on behalf of Mr. Malay Kumar Bhaduri, Advocates.
For Respondent	:	Mr. O.P. Sahu, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

12/12/2017

1. Since the above bail applications are similar in nature and arise out of the same chain of incidents, they are being heard and decided together by this common order.

2. Applicant Birendra Bahadur Sahu has filed M.Cr.C(A) No.1013/2017 seeking anticipatory bail as he apprehends his arrest in connection with Crime No.178/2017 registered at PS-Gol Bazar, Raipur, District-Raipur for the offence punishable under Sections 420, 467, 468, 471, 34 of Indian Penal Code (for short 'IPC').
3. Applicant Nakul Kumar Koshle in M.Cr.C. No.7229/2017 is in custody since 5.9.2017. This is his first bail application under Section 439 of the Code of Criminal Procedure, for grant of regular bail as he has been arrested in connection with Crime Nos.178/17 registered at Police Station- Gol Bazar, District – Raipur(C.G.) for the offence punishable under Sections 420, 467, 468, 471, 34 of Indian Penal Code (for short 'IPC').
4. Learned counsel for the applicants submits that applicants are innocent and have falsely implicated in this case. Some of the co-accused persons have already been granted regular as well as anticipatory bail by this Court itself, hence, applicants, who have a similar case, are also entitled for anticipatory/regular bail, hence, it is prayed that applicants be granted bail.
5. Learned counsel for the respondent/State opposes the applications and submissions made in this respect.
6. Heard both the parties and perused the case diary.
7. The case against the applicant is this that posts of Teachers, Librarians, Lecturers etc. were advertised by Zila Panchayat, Raipur. Both these applicants applied for the post of Lecturer & Shiksha Karmi in District Panchayat, Raipur. Applicant Birendra Bahadur Sahu applied for the post of Lecturer whereas applicant Nakul applied for the post of Shiksha Karmi (Panchayat). After the applicants were appointed to the

post applied by them, the copies of mark-sheet submitted by the applicants showing their qualification were found to be fake and forged on verification. Therefore, after conducting enquiry, FIR was lodged by CEO Zila Panchayat, Raipur on the basis of which the offence has been registered against the applicants.

8. Considering the submissions, contents of the case diary and taking into consideration this fact that co-accused persons have already been benefited with grant of anticipatory as well as regular bail by this Court and the applicants also stand on the same footing, I am of this opinion that the applicants are also entitled for grant of bail.
9. Accordingly, the bail application i.e. M.Cr.C. Nos.7229/17 filed on behalf of applicant Nakul Kumar Koshle under Section 439 of Cr.P.C. is allowed. It is directed that he be released on bail on his furnishing a personal bond for a 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.
10. Bail application filed on behalf of applicant Birendra Bahadur Sahu i.e. M.Cr.C. (A) No.1013/2017, is also allowed. It is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail by the officer arresting him on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicant shall also abide by the following conditions :
 - (i) that the applicant shall make himself available for interrogation before the investigating officer as and when required;
 - (ii) that the 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

(iii) that the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and

(iv) that 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.

Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge