

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8008 of 2016

1. Rajesh Kumar Sai, S/o. Late Shri Ramesh Lal Sai, Aged About 24 Years, R/o. Vijay Colony, Hati Badtala, Police Station- Dalanwala, Tahsil- Dehradun, Civil & Revenue District Dehradun, Uttarakhand.
2. Dixit Chamoli, S/o. Shri Diwakar Chamoli, Aged About 30 Years, R/o. Village Devipur, Umedpur, Vishal Nagar, Police Station- Basant Vihar, Tahsil Dehradun, Civil & Revenue District Dehradun, Uttarakhand.

---- Applicants

Versus

State Of Chhattisgarh, Through Police Station- Mandir Hasaud, Raipur, District Raipur, Chhattisgarh.

---- Respondent

For Applicants : Mr. Sudeep Agrawal, Advocate.

For Respondent : Mr. Anupam Dubey, Dy. Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

03.01.2017

1. This is the second bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested in connection with Crime No.227/2016 registered at Police Station- Mandir Hasaud, Raipur, District Raipur (C.G.) for the offence punishable under Section 420, 467, 468, 471/34 of Indian Penal Code. The first bail application was dismissed on merit on 09.11.2016 in MCRC No.7033 of 2016.
2. As per the prosecution case, the Polaris Maritime Academy was conducted examination by taking charges of Rs.200/- from different persons and the applicants were said to have holding the examination on behalf of the Polaris Maritime Academy though they

were not authorized to do so by the Director General of Shipping, Govt. of India, nor they were recognized by the Shipping Corporation of India Limited yet the same was being done and the applicants who were conducting the examination were arrested and as such the offence has been committed.

3. Learned counsel for the applicants would submit that the applicants were the low paid employees of the Polaris Maritime Academy and were not at the helm of affairs of the Company and they were conducting the exam on behalf of the Company and as such they have not taken any policy decision and they were only following the instructions of the Company. He further submits that the charge sheet has been filed and no further investigation is necessary, therefore, the applicants may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail, however, on a specific query being made, it has been answered that the applicants were working as an employee of the Polaris Maritime Academy.
5. Perused the case diary and the documents. The charge sheet in this case has been filed. It has not been disputed that the applicants were working as an employee of the Polaris Maritime Academy. It *prima facie* appears that the applicants have not taken any policy decision on behalf of the Company. Taking into the role played by the applicants and the fact that the charge sheet has been filed, investigation is complete and the applicants are in jail since 28.08.2016, I am inclined to release the applicants on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.

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

Sd/-
(Goutam Bhaduri)
Judge

Ashok