

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

MCRCA No. 559 of 2017

- Smt. Subhadra Gwala W/o Shri Baldev Gwala, Aged About 42 Years Caste Ahir, Occupation Housewife, R/o Village Chhichhali, Chauki Pendrapath, Police Station & Tahsil Bagicha, District Jashpur, Chhattisgarh. --- **Applicant**

Versus

- State of Chhattisgarh through Police Station Bagicha, District Jaspur, Chhattisgarh. --- **Respondent**

07.07.2017	Mr. Akath Kumar Yadav, counsel for the applicant. State by Mr. Suryakant Mishra, Panel Lawyer. This is second bail application filed u/s 438 of Cr.P.C. The applicant apprehends her arrest in connection with Crime No.193 of 2015 registered at Police Station Bagicha for the offence punishable u/ss 419, 420, 441, 468, 144 read with section 34 of IPC and u/ss 6 & 10 of the C.G. Examination Act, 2008. As per the prosecution case, in 12th examination which was conducted on 23.10.2015 by Rashtriya Mukta Vidyala Pariksha in place applicant one Budhwanti appeared and while the examination was going on, Budhwanti was caught as she was answering the question paper and subsequently the matter came to fore that the applicant did not appear and in her place, Budhwanti was engaged to writ the examination on behalf of the applicant, thereby the offence has been committed. Learned counsel for the applicant submits that the first bail application was dismissed on 23.06.2016 and thereafter all the other accused have been acquitted and no case is made against the present applicant, therefore, she may be admitted to anticipatory bail. Per contra, learned State Counsel opposes the prayer for grant of anticipatory bail.

It appears that the applicant could not be put to trial as she was absconding.

Since the applicant has not faced the trial, I am not inclined to extend the benefit of section 438 Cr.P.C. Accordingly this bail application is rejected.

Sd/-

GOUTAM BHADURI
Judge

R a o