

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 282 of 2018

- Sachin Kumar S/o Nandkishor Singh Aged About 31 Years Present Address A-215, Ashoka Impression Mova, Raipur Tahsil And District Raipur Chhattisgarh Permanent R/o Sultanur, P. S. Desri, District Vaishali, Bihar Chhattisgarh, District : Vaishali, Bihar

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Civil Lines Tahsil And District Raipur Chhattisgarh, District : Raipur, Chhattisgarh

---- Respondent

For Applicant : Mr. Sumit Singh, Advocate.

For Respondent : Mr. Anil S. Pandey, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

06/07/2018

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.71/2018 registered at Police Station- Civil Lines, Tahsil & District – Raipur (C.G.), for the offence punishable under Sections 419 & 420 of the Indian Penal Code and Sections 9 & 10 of the C.G. Sarvajnik Pariksha Adhiniyam, 2008.
2. Learned counsel for applicant submits that applicant is innocent and has been falsely implicated in this case. No case is made out against

the applicant as he has no connection with the persons who appeared in the said examination in place of the original students. Hence, it is prayed that he may be released on anticipatory bail.

3. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that sufficient evidence is available against the applicant showing his involvement in the crime, hence, he is not entitled for grant of anticipatory bail.
4. Heard both the parties and perused the case diary.
5. FIR has been lodged by the Regional Director of National Open University Education Institution, alleging in it that some persons have impersonated some students in Class 10th & 12th examination conducted on 17.1.2018. On the basis of this report, the offence has been registered and in the course of investigation, it has been alleged by some of the witnesses that it is this applicant who acted as a middleman and arranged impersonators who appeared in place of original candidates in the said examination.
6. Taking into consideration the facts and circumstances of the case, in particular the nature of evidence collected by the prosecution against this applicant, I am inclined to extend the benefit of protective umbrella under Section 438 of CrPC to the applicant.
7. Accordingly, the anticipatory bail application is allowed and 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 the 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.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Nisha