

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 5984 of 2017**

Girish Kumar Mandavi, S/o. Hazar Singh, Aged About 55 Years, Occupation - Service, R/o. Kanhanpuri, P.S. and Tahsil Kanker, District - Kanker, Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh, Through : Police Station - Surajpur, District - Surajpur, Chhattisgarh

---- Respondent

For Applicant : Mr. A.K. Prasad, Advocate

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

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**09/01/2018**

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.263/2015, registered at Police Station – Surajpur, District – Surajpur (C.G.) for the offence punishable under Section 420, 467, 468, 471, 120-B and 34 of the Indian Penal Code and Section 13 (1) (d) and 13 (2) Prevention of Corruption Act.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case only for the reason

that he was the Chief Executive Officer of Janpad Panchayat, Surajpur and it was by his signature, the appointment order of Shiksha Karmies was issued. The responsibilities to scrutinies, the application and the documents submitted by the applicant was scrutinized by the Committee constituted on the recommendation made by Zila Panchayat, thereafter, the process of selection was conducted by the selection committee constituted on the recommendation of the Zila Panchayat and after completion of selection process on the basis of recommendation made by the said committee, applicant has simply approved the same and passed the order. No offence has been committed by the applicant. Applicant has now been placed under suspension and he is in jail since 03.03.2017. It is submitted that almost all the co-accused persons in this case have been granted bail anticipatory as well as regular, hence prayed that the applicant may also be granted regular 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 by orders of this Court in W.P.(Cr.) No.21/2010, dated 25.10.2010, a committee of four members was constituted to enquire about the irregularities committed by the selection committee of Shikshakarmi in Zila Panchayat, Surajpur. In the said enquiry, the applicant has been found directly responsible for the commission of the offence charged against him, therefore, he is not entitled for grant of bail.
4. I have heard the learned counsel for both the parties and perused the case diary.

5. The committee constituted by the orders of this Court made an enquiry and submitted the report on the basis of which, offence has been registered against the applicant and various other persons.
6. Considered on the statement made and the contents of the case diary and the documents attached with the application. Co-accused Ramesh Kumar Sinha, Ramvilas Sharma, Smt. Suman Singh have been granted bail by the Coordinate Bench of this Court, who had been the members of the selection committee.
7. Considered the role of the applicant in the commission of the said offence and looking to the fact that co-accused persons have granted regular as well as anticipatory bail, for this reason, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
9. 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 copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge