

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3680 of 2018

- Ghanshyam Yadav S/o Late Baharta Ram Yadav Aged About 48 Years
R/o- Vijayapuram Colony, House No. D-62, P.S.- Sarkanda, District-
Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- The Police Station- Gole Bazar,
Raipur, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Respondent

MCRC No. 3684 of 2018

- Ghanshyam Yadav S/o Late Baharta Ram Yadav Aged About 48 Years
R/o- Vijayapuram Colony, House No. D-62, P.S.- Sarkanda, District-
Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- The Police Station- Gole Bazar,
Raipur, District- Bilaspur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Respondent

MCRC No. 3687 of 2018

- Ghanshyam Yadav S/o Late Baharta Ram Yadav Aged About 48 Years
R/o- Vijayapuram Colony, House No. D-62, Ps- Sarkanda, District-
Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Petitioner

Versus

- State Of Chhattisgarh Through- The Police Station- Gole Bazar, Raipur, District- Raipur, Chhattisgarh., District : Raigarh, Chhattisgarh

---- Respondent

&

MCRC No. 3688 of 2018

- Ghanshyam Yadav S/o Late Shri Baharta Ram Yadav Aged About 48 Years R/o- Vijayapuram Colony, House No. D-62, Ps- Sarkanda, District- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- The District Magistrate, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Respondent

For Applicant : Mr. N. Naha Roy, Advocate.
For Respondent : Mr. Anil S. Pandey, Govt. Adv. & Mr.
Anupam Dubey, Dy. Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

03/07/2018

1. MCRC No.3688 of 2018 filed on behalf of applicant Ghanshyam Yadav is the second bail application of this applicant. First application of this applicant bearing MCRC No.1848 of 2018 has been dismissed for want of prosecution vide order dated 4.5.2018.

2. Remaining bail applications are the first bail application of the applicant under Section 439 of the Code of Criminal Procedure, for grant of regular bail to him. The applicant who has been arrested in connection with Crime No. 15/2017 in MCRC No.3680/2018, Crime No. 17/2017, in MCRC No.3684/2018, Crime No. 21/2017 in MCRC No.3687/2018 & Crime No. 78/2017 in MCRC No.3688/2018 registered at Police Station- Gole Bazar, District-Raipur (C.G.) for the offence punishable under Sections 420, 467, 468, 471, 120-b, 201 & 34 of Indian Penal Code (for short 'IPC').
3. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in the crime in question. There is no evidence present in the case diary regarding involvement of this applicant in the commission of crime as alleged. He has been implicated only on the basis of memorandum statement given by co-accused persons. Similarly placed co-accused B. Shukla of Crime No. 78/2017 in which applicant Ghansyam (MCRC No.3688/2018) is also an accused, have been granted bail by this Court. In these circumstances, the present applicant may also be released on bail.
4. Learned counsel for the respondent/State opposes the applications and submissions made in this respect. It is submitted that there is clear evidence against this applicant for his prosecution, hence, he is not entitled for grant of regular bail.
5. Heard both the parties and perused the case diary.
6. According to prosecution story, some posts were advertised by Zila Panchayat, Raipur, which were applied for by the co-accused persons. Complainant CEO, Zila Panchayat, Raipur, in Crime Nos.15/2017, 17/2017, 21/2017 & 78/2017 made a complaint, alleging

in it that mark sheets of qualification submitted by co-accused Suraj Kumar Lashkar in MCRC No.3680/2018, Ku. Gangotri Yadav in MCRC No.3684/2018, Sunita Gond in MCRC No.3687/2018 & Ku. Parmeshwari in MCRC No.3688/2018 for their appointment to the respective posts were found to be forged and false on verification. Main accused in each case has given statement under Section 27 of the Evidence Act that the forged mark sheets were supplied by these applicants. Hence, this case.

7. As the case against this applicant is based on the memorandum statement of co-accused persons and there appears to be no seizure made from them in the course of investigation. Hence, under these circumstances, I am of this opinion that this is a fit where applicant deserve to be released on regular bail.
8. Accordingly, all the bail applications filed under Section 439 of Cr.P.C. are allowed. It is directed that all the applicant shall 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 trial Court concerned, for his appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)

Judge