NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7650 of 2017

- Bhuwaneshwar @ Luvkush Shukla S/o Shri Nandkumar Shukla, Aged About 44 Years, R/o Hal Mukum- Mansarovar Colony, Padumnagar Road, Thana Bhilai, District Durg, Chhattisgarh., Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, P. S. Gole Bazar District Raipur, Chhattisgarh., Chhattisgarh

---- Non-applicant

For Applicant – Shri Mateen Siddiqui, Advocate.
For Non-applicant/State – Shri Anil S. Pandey, Govt. Advocate.

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

12-02-2018

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application under Section 439 of the Cr.P.C. filed by the applicant before this Court. The applicant has been arrested on 06-09-2017 in connection with Crime No.76/2017 registered at Police Station Gole Bazar District Raipur Chhattisgarh for the offence under Section 420, 467, 468, 471, 120B of the IPC.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. He is in jail since 06-09-2017. He is resident of District Durg and all the offences registered against him are triable by the JMFC. No case is made out against him on the basis of material in the charge sheet against him. Similarly placed co-accused has been granted anticipatory bail by the coordinate Bench of this Court. Hence, it is prayed that the applicant may be granted regular bail.

3. Learned counsel for the State/non-applicant opposes the application and submission made. It is submitted that total 6 cases have been registered against this applicant for providing forged and fake certificates to the candidates applying for the various posts in Jila Panchayat Raipur. Hence,

looking to the number of crime registered against him, he is not entitled for grant of bail.

4. Heard learned counsel for the parties and perused the case diary.

5. One complaint was filed by the office of CEO, Janpad Panchayat Raipur stating that posts of Librarian and other posts were advertized to be filled by Jila Panchayat Raipur. In response to the said advertisement, main accused Suresh Kumar Singh submitted documents, wherein his mark sheet of Guru Ghasidas University was found to be fake and forged after verification from the said university. The FIR was lodged and during investigation on memorandum statement given by the co-accused in this case, this fact was disclosed that this applicant was the person who supplied with fake and forged mark-sheet to the co-accused in return of money received from him. Hence, this case.

6. Considered on the submissions made and contents of the case diary.

7. As the co-accused in this case has been benefited with grant of anticipatory bail by the coordinate Bench, and looking to the evidence proposed to be brought in trial against this applicant, I am of this view that the applicant should be released on bail during pendency of the trial of the case against him.

8. Consequently, the application (MCRC No.7650/2017) filed under Section 439 of the Cr.P.C. by the applicant is hereby allowed. It is directed that the 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 Court, for his appearance as and when directed.

9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Aadil