

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 1411 of 2018**

Smt. Sushila Jaiswal W/o Suraji Lal Jaiswal Aged About 55 Years Caste Baniya ,occupationteacher , R/o Village Premnagar ,police Station And Tahsil Premnagar , District Surajpur Chhattisgarh., District : Surajpur, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Though The Station House Officer ,police Station Premnagar District Surajpur Chhattisgarh., District : Surajpur, Chhattisgarh.

---- Respondent

For the Applicant : Shri D.N. Prajapati, Advocate.
For the Respondent/State : Shri Anil S. Pandey, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****27.11.2018**

1. Heard on application under Section 438 of the Code of Criminal Procedure, 1973.

2. This is the first bail application filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the applicant who is apprehending arrest in connection with Crime No. 58 of 2018, registered at Police Station – Premnagar, District – Surajpur, Chhattisgarh for the offences punishable under Section 420 of the Indian Penal Code.

3. It is submitted by counsel for the applicant that the applicant has been falsely implicated in this case. The applicant has not manipulated any document to show her age reduced for the purposes of obtaining benefit in service. The applicant is a woman and has occupation of teacher. Hence, it

is prayed that the applicant be benefited with grant of anticipatory bail.

4. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that clearly the date of birth of the applicant is 10.2.1957 according to school entry whereas, the mark-sheet on the basis she has obtained the government service as teacher shows her date of birth 10.2.1967 and despite having knowledge that the date of birth displayed in the mark-sheet is incorrect, she has taken benefit of that. Hence, no case is made out for grant of anticipatory bail to the applicant.

5. Heard counsel for both the parties and perused the case diary.

6. The allegation against the applicant is that she has made use of mark-sheet showing incorrect date of birth for the purposes of drawing benefits from the government illegally.

7. Considered the material present in the case-diary. Whether the mark-sheet displaying incorrect date of birth is a result of manipulation forgery is yet to be investigated. The applicant is a woman. Hence, I am of the opinion that the present is a fit case where the applicant is entitled to be released on anticipatory bail.

8. 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, she shall be released on bail by the Officer arresting her on executing a personal bond in sum of Rs.25,000/- with one surety in the

like sum to the satisfaction of the concerned Investigating Officer. She shall also abide by the following conditions:

- '(i) that the applicant shall make herself 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 them 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 her by the said Court till disposal of the trial.'

Sd/-

(Rajendra Chandra Singh Samant)
Judge