

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C.(A.) No. 1660 of 2019

- Dr. Roshan Mishra S/o Shri Sitaram Mishra Aged About 34 Years Bachelor Of Alternative Medicine, Resident Of Village Kuthrel, Post Office Manora, District- Raipur Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Dantewada, District- Dantewada Chhattisgarh

---- Non-applicant

For Applicant : Mr. Goutam Khetrapal, Advocate.

For State/respondent No.1: Mr. Ghanshyam Patel, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

07-11-2019

Heard.

1. This is repeat bail application filed for grant of anticipatory bail. The earlier application M.Cr.C.(A.) No.1273/2019 was dismissed as withdrawn on 02.08.2019. The applicant has apprehension of being arrested in connection with Crime No.82/2019, registered at Police Station – Dantewada, District- Dantewada, Chhattisgarh for offence punishable under Sections 419, 420, 467, 468 and 471 of I.P.C., the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated in this case. The case has been created against the applicant at the behest of one- Arpit Jain because the applicant had lodged F.I.R. against Arpit Jain and Pranay Jain on 19.05.2019, on the basis of which offence under Section 394/34 has been registered against them in P.S.- Civil Lines, Raipur. It is further submitted that the applicant is qualified in alternative medicine, he has never represented

himself as holder of M.B.B.S. degree. All the documents which are alleged to be forged had been produced by the said Arpit Jain before the authorities to create a false case against him. Further, the applicant has also been discharged from service. Therefore, it is prayed that the applicant may be granted anticipatory bail.

3. Learned counsel for the State opposes the application and submits that there is material present in the investigation to show that this applicant filed application for appointment to the post of M.B.B.S. Doctor along with forged certificates showing him having qualification of M.B.B.S. degree. On complaint received, the inquiry was made and report has been obtained from the said Medical College/University and Medical Association that the qualification papers submitted by the applicant are forged and the applicant has never obtained any such degree or qualification from the concerned institutions. Hence, there is a clear case that this applicant is not entitled for grant of anticipatory bail.
4. Heard learned counsel for the parties and perused the case diary.
5. According to prosecution case, this applicant had filed an application before the Collector, Dantewada, for his appointment as Doctor in District- Dantewada. Collector, Dantewada gave oral permission, subsequent to which, the applicant filed an application in the office of Chief Medical and Health Officer, Dantewada on 01.09.2017 along with other documents, on the basis of which he was appointed as Medical Officer, Primary Health Center, Jawanga. Subsequent to his appointment, a complaint was given by Arpit Kumar Jain, the Collector, Dantewada, on the basis of which the inquiry was made and it was found that the documents of qualification submitted by the applicant were forged. Doctor- Netram Navratna, Chief Medical Officer,

Dantewada has then lodged F.I.R. against the applicant.

6. On the basis of the material that is present in the case diary, there is substance to show that the documents which have been found forged were filed by the applicant himself, whereas he himself does not claim to be an M.B.B.S. Doctor. Therefore, there is a clear case against the applicant, therefore, no case is made out for grant of anticipatory bail.
7. Hence, the bail application filed under Section 438 of Cr.P.C. is rejected.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Monika