

**NAFR**

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**M.CR.C.(A). No. 127 of 2020**

Hansh Bai, W/o. Fagulal, Aged About 32 Years, Caste- Teli, R/o. Village- Chisda, Police Station- Hasoud, District- Janjgir Champa, Chhattisgarh.

**----Applicant**

**Versus**

State of Chhattisgarh, Through : District Magistrate, District- Janjgir Champa, Chhattisgarh.

**---- Respondent**

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For Applicant : Ms. Sharmila Singhai, Advocate  
For Respondent/State : Mr. Adil Minhaj, G.A.

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

**Order On Board**

**07/02/2020**

1. Apprehending arrest in connection with Crime No.19/2018, registered at Police Station – Birra, District – Janjgir – Champa (C.G.) for offence punishable under Section 420 of the Indian Penal Code, the applicant has preferred this second bail application for grant of anticipatory bail.
2. Earlier bail application M.Cr.C.(A) No.392 of 2018 was dismissed as withdrawn vide order dated 06.07.2018 although the liberty was granted to the petitioner to surrender before the Court concerned and file application for grant of regular bail but because of circumstances that are present in favour of the applicant, she has filed this repeat application.

3. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. Although there is a allegation that she has made use of forged mark-sheet to obtain the job of Shikshakarmi in the year 2007 but the department has not taken any action against the applicant so far. Further she has also been absorbed in the School Education Department as regular teacher despite there being the allegation against and despite there being a criminal case registered against her. Another circumstances in her favour is this that in Cr.M.P. 480 of 2018 filed for quashing of FIR, the Coordinate Bench of this Court has granted interim relief to the applicant that no coercive steps shall be taken against her till the next date of hearing. It is further submitted that the applicant is already protected by the Coordinate Bench of this Court, therefore, it is prayed that the applicant may be enlarged on anticipatory bail.
4. Per contra learned State counsel opposes the application for grant of bail and the submissions made in this respect. It is submitted that in the previous application, this Court has already considered the case of the applicant and from that it was not found fit for grant of anticipatory bail. The submission on behalf of the applicant that no action has been taken against her on the basis of the allegation that needs verification, as there is nothing present as such in the case diary, therefore, this application be rejected.
5. In reply, counsel for the applicant submits that she makes a Statement at Bar that the applicant has not been proceeded against departmentally so far and further she has also been absorbed in the Education Department as a regular teacher.
6. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.

7. The case against the applicant is this that she made use of forged mark-sheet of Class-12 to obtain the job of Shikshakarmi. On some complaint that was enquired and FIR was registered against the applicant registering the offence under Section 420 of the Indian Penal Code.
8. Considered the submissions made and the contents of the case diary. Considering that the applicant is still employed as a teacher in the concerned department and that she has been protected by an interim order in Cr.M.P. No.480 of 2018 and further that she is a woman, this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicant.
9. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is allowed.
10. 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. The applicant 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 him/her 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.

Certified copy as per rules.

**Sd/-**  
**(Rajendra Chandra Singh Samant)**  
Judge

Balram