

HIGH COURT OF CHHATTISGARH : BILASPUR

MCRCA No.1102 of 2020

- Santosh Choudhary S/o Shri Puranlal Choudhary Aged About 51 Years
R/o Ganesh Talkies Budhwari Bajar Balod Police Station Balod District
Balod Chhattisgarh., District : Balod, Chhattisgarh

---- **Petitioner**

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station
Balod, District Balod Chhattisgarh., District : Balod, Chhattisgarh

--Respondent

(Application under Section 438 of the Code of Criminal Procedure)

Single Bench: Hon'ble Shri Manindra Mohan Shrivastava, J.

Present: - Shri Awadh Tripathi, counsel for the applicant.
Shri Lalit Jangde, GA for the State.

ORDER ON BOARD
(Passed on 04-12-2020)

Heard.

1. The applicant has preferred this application under Section 438 of Cr.P.C., apprehending his arrest in connection with Crime No.22/2018, registered at Police Station Balod, District Balod for alleged commission of offence under Section 420, 467, 468 & 471 of the IPC.
2. Case of the prosecution is that the applicant had appeared in the Civil Engineering Examination from Government Polytechnic College, Dhamtari and though, he failed, he had filed an application claiming himself to be graduate and on that basis, submitting false marksheet, while getting engaged with the work of the Local Body.
3. Learned counsel for the applicant would argue that the applicant had appeared in the examination wayback in the year 1991. He would argue that the mark sheet, in which, he was shown as passed in the First Division, the applicant has no role to play in the alleged issuance of marksheet. It is next argued that the applicant always bonafide believed that he had duly passed the examination and if subsequently, in the enquiry, it was found that the marksheet was not correct in comparison to original records, then, it is for

the institute to issue corrected marksheet. It is further submitted that that the applicant himself had sent a letter to the institution for issuing corrected marksheet and therefore, it cannot be said that the applicant had fabricated the marksheet to gain advantage. It is submitted that the applicant had obtained receipt of the marksheet also. It is lastly submitted that the applicant has not used the said marksheet, after the matter surfaced.

4. On the other hand, learned State Counsel submits that in the investigation so far made, it is found that no such marksheet was ever issued to the applicant by the Rajiv Gandhi Technology University, Bhopal and the marksheet, which the applicant had possessed, is forged. It is further submitted that from the marksheet, which has been submitted by the applicant in the Local Body, it reveals that the applicant was in possession of forged marksheet, which was never issued to the applicant by the aforesaid institution.

5. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration the nature of allegation that the institution had never issued this marksheet, which was a forged one and the same has been used by the applicant for submitting before the Local Body, in the opinion of this Court, it is not a fit case for grant of anticipatory bail.

6. Accordingly, the bail application is rejected. Interim bail stands withdrawn with immediate effect.

Certified copy as per rules.

SD/-
(**Manindra Mohan Shrivastava**)
J U D G E