

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRCA No. 2129 of 2019**

- Brichram Nirala S/o Late Shri Makruram Nirala Aged About 35 Years Occupation Teacher, R/o Village Sarsiva, Police Station Sarsiva, Tehsil - Bilaigarh, District Balodabazaar-Bhatapara, Chhattisgarh.

**---- Applicant**

**Versus**

- State Of Chhattisgarh Through Police Station Sarsiva, District Balodabazaar-Bhatapara, Chhattisgarh.

**---- Respondent**

---

For Applicant : Shri Ashutosh Trivedi, Advocate.

For Respondent/State : Smt. Hamida Siddiqui, Dy. A.G.

---

**Hon'ble Shri Justice Arvind Singh Chandel**

**Order On Board**

**01/07/2020**

1. The matter is heard through virtual hearing.
2. First bail application of the applicant was dismissed for want of prosecution vide order dated 22.11.2019 passed in MCRCA No. 1910/2019.
3. The applicant has preferred second bail application under Section 438 of Cr.P.C. for apprehending arrest in connection with Crime No.346/2019 registered at Police Station Sarsiva, District Balodabazar-Bhatapara, (C.G.) for the offence punishable under Sections 420 of 474 of I.P.C.

4. As per the case of the prosecution, on 25.10.2019 complainant Ku. Roshini Bharti who is a student lodged a report alleging therein that on 5.3.2019 she appeared in maths examination and after completion of the said exam, when she deposited the answer sheet to the invigilator, allegedly, present applicant tampered the said answer-sheet of the complainant. On the basis of the said, offence has been registered.
5. Learned Counsel appearing for the applicant submits that applicant is innocent and has been falsely implicated in the present case due to some dispute with the Principal of the School. He further submits that incident occurred on 5.3.2019 and there is inordinate delay in lodging the F.I.R. i.e. on 25.10.2019 after a gap of about seven months. From the contents of the F.I.R., *prima facie*, no offence under Sections 420 and 474 of I.P.C. are made out against applicant. It is further submitted that present applicant is a reputed person and a government teacher. Therefore, it is prayed that applicant may be granted benefit of anticipatory bail.
6. Learned Counsel appearing for the State opposes the bail application.
7. I have heard learned Counsel appearing for the parties.
8. Taking into consideration the submissions put-forth on behalf of the parties, considering the facts and circumstances of the case, contents of the F.I.R, inordinate delay of about seven months in lodging the F.I.R., looking to the totality of the case, without further commenting on other merits of the case, I am inclined to extend the benefit of anticipatory bail to the present applicant.

**9.** Accordingly, the bail application is allowed.

**10.** It is directed that in the event of arrest of the applicant in connection with the aforesaid crime, he shall be released on anticipatory bail on furnishing a personal bond in the sum of Rs. 20,000/- with one solvent surety for the like sum to the satisfaction of the Arresting Officer/Presiding Officer of the concerned trial Court. He shall also abide by all the following terms and conditions :

- (i) He 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 from disclosing such fact to the Court,
- (ii) He shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (iii) He shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-  
**(Arvind Singh Chandel)**  
**Judge**