

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR**MCRCA No. 979 of 2021**

- Nilesch Sharma S/o Indrakumar, aged about 34 years, R/o village Bagar, P.O. Barethi, Tahsil & Thana Kasdol, District Baloda Bazar Chhattisgarh

-----Applicant**VERSUS**

- State of Chhattisgarh through: Police Station Kasdol, District Baloda Bazar, Chhattisgarh

-----Non-applicant

For Applicant	: Mr. KPS Gandhi, Advocate
For Non-applicant/State	: Mr. Samir Oraon, Govt. Advocate

Hon'ble Shri Parth Prateem Sahu, Judge**ORDER ON BOARD****06/09/2021**

1. Heard.
2. Applicant has preferred this application under Section 438 of CrPC for grant of anticipatory bail as he apprehends his arrest in connection with Crime No. 356/2012 registered at Police Station Kasdol, District- Baloda Bazar (C.G.) for the offence punishable under Section 420, 468, 471 of IPC.
3. Case of the prosecution is, that applicant got employment as Shikshakarmi-Gr.III on 21.12.2010 on the post reserved for 'candidate suffering with disability' based on certificate of suffering with 'hearing impairment disability'. Certificate was issued to him on 03.02.2008. On the complaint received by appointing authority preliminary enquiry has conducted and it is found that the disability certificate submitted by applicant along with the application form for recruitment is forged. He was terminated from his services and FIR was also lodged against him in the year 2012. Applicant thereafter absconded and the proceedings of absconding was recorded by police on 27.04.2014. Applicant thereafter for the first time filed application for grant of anticipatory bail which came to be dismissed vide order dated 31.07.2021.

4. Mr. KPS Gandhi, learned counsel for the applicant submits that applicant is getting himself examined afresh by the competent authority for obtaining fresh disability certificate, hence, he may be enlarged on anticipatory bail.
5. Mr. Samir Oraon, learned State counsel, while opposing the submissions made by the learned counsel for the applicant, submits that applicant is not entitled for benefit under provisions of Section 438 of CrPC as from the year 2012 applicant is continuously absconding and not participated in criminal proceedings. He submits that applicant came to know that the disability certificate submitted by him was forged in the year 2012, action has been taken against him in the year 2012 but even then applicant, has not challenged the registration of FIR against him or order of termination and now in the year 2021 he has filed application for grant of anticipatory bail.
6. I have heard learned counsel for the respective parties.
7. Taking into consideration the entire facts and circumstances as well as nature of allegations, and the fact that applicant is absconding since 2012, I do not find it a fit case to allow the application.
8. Accordingly, bail application is dismissed.

Sd/-
(Parth Prateem Sahu)
Judge