

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1642 of 2020**

1. Jitesh Kumar Patel S/o Patiram Patel Aged About 29 Years Resident Of Village Kotapara, Police Station And Tahsil Pithora, District Mahasamund Chhattisgarh.
2. Chitresh Dadsena S/o Sadanand Dadsena Aged About 30 Years Resident Of Ward No. 09, Pithora, Police Station And Tahsil Pithora, District Mahasamaund Chhattisgarh

---- Applicants**Versus**

- State Of Chhattisgarh Through The Station House Officer, Police Station Police Station Takhatpur, District Bilaspur Chhattisgarh.,

---- Respondent**MCRCA No. 78 of 2021**

- Santosh Patel S/o Shri Bhethiyar Patel, Aged About 39 Years R/o Village - Kauhakuda, Tahsil - Pithora, District - Mahasamund Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh, Through - Station House Officer, Police Station - Takhatpur, District - Bilaspur Chhattisgarh

---- Respondent**MCRCA No. 1728 of 2020**

- Soniya Rathore D/o Shri Bhagwat Rathore Aged About 30 Years R/o Ward No. 16, Janjgir, P.S. And Tahsil Janjgir, District Janjgir Champa Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through S.H.O. P.S. Takhatpur, District Bilaspur Chhattisgarh

---- Respondent

For Applicants : Shri Raghavendra Pradhan, Shri Roop Naik
and Shri Ravindra Sharma, Advocates.
For Respondent /State : Shri Samir Uraon, GA

Hon'ble Smt. Justice Rajani Dubey

Order On Board

05/04/2021

As the above three M.Cr.Cs. arise out of the same crime number, they are being disposed of by this common order.

This is an application filed under Section 438 of the Code of Criminal procedure for grant of anticipatory bail to the applicants, who are apprehending their arrest in connection with Crime No.177/2011 registered at Police Station Takhatpur district Bilaspur (CG) for the offence punishable under Sections 420,467,468,471 and 120-B/34 of the IPC and Section 4(A) and 10 of the Chhattisgarh Public Examination (Prevention of Unfair Means) Act, 2008.

Case of the prosecution in brief is that a day prior to the Pre-medical test, the applicants were found in possession of question papers. It is alleged that the examination was scheduled to be held on 19.06.2011. It is further case of prosecution that the applicants and other co-accused persons who were the students to appear in the said exam, were caught red handed in the premises.

Contention of the counsels for the applicants is that the applicants have been falsely implicated in the present case. He further

submits that the one of the accused has moved an application for grant of anticipatory bail before this Court registered as M.Cr.C.(A) No. 593/2011 (Romesh Dixit Vs.State of Chhattisgarh), which was rejected on 01.08.2011 and thereafter, the applicant approached the Apex Court by filing a petition in which he has been granted anticipatory bail in connection with Crime No. 177/2011, Police Station Takhatpur, District Bilaspur to the satisfaction of the Investigating Officer in SLP No. (Criminal) No. 7688 of 2011. Counsel for the applicants submits that the applicants before this Court are identically situated as of Romesh Dixit and therefore they may be granted similar benefit .

On the other hand, learned counsel for the State opposes the bail application. He however does not dispute that the present case of the applicants is similar to that of the accused Romesh Dixit, who has been granted anticipatory bail by the Apex Court.

Having heard counsel for the parties and considering the totality of the facts, in particular, the fact that similarly placed co-accused has been granted anticipatory bail by the Apex Court, this Court is of the view that it is a fit case to grant anticipatory bail to the applicants. Accordingly, the applications are allowed and it is directed that in the event of arrest of the applicants' in connection with the aforesaid offence, they shall be released on bail on their executing a personal bond in sum of Rs. 25,000/- each with one surety to the satisfaction of the trial Court. The applicants shall also abide by the following conditions :

(i) that they 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 them from disclosing such facts to the Court or any police officer;

(ii) that they shall not act in any manner which will be prejudicial to fair and expeditious trial; and

(iii) that they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Sd/-
(Rajani Dubey)
Judge