

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7267 of 2015

- Vinod Kindo, S/o. Bhagatu Ram, Aged about 30 years, R/o. Baroundhi, P.S. Surajpur, District – Surajpur (C.G.)

---Applicant

Versus

- State Of Chhattisgarh Through The Station House Office, P.S. Surajpur, Distt. Surajpur, Chhattisgarh.

--- Respondent

For the applicant : Mr. Keshav Gupta, Advocate.

For the Respondent : Mr. Anil S. Pandey, Govt. Advocate,

Hon'ble Shri Justice Goutam Bhaduri **Order on Board**

23.12.2015

1. This is an application filed u/s 439 of the Code of Criminal Procedure seeking granting of regular bail to the applicant in connection with Crime No. 263/2015 registered at Police station Surajpur (C.G) for the offences punishable under sections 420, 467, 468, 471, 120-B of IPC and Section 13(1)(d) & 13(2) of Prevention of Corruption Act.
2. As per the prosecution case, the applicant was appointed as Shiksha Karmi Grade III at Janpad Panchayat, Surajpur in the year 2007. It is alleged that the applicant was having less marks but he was appointed as Shiksha Karmi without any certificate having been produced, thereby, the offence has been committed
3. Learned counsel for the applicant submits that the applicant has not submitted any forged document to procure employment and the applicant was selected as Shiksha Karmi completely on the basis of the merit and therefore, the question of employment on the basis of forged document do not arise. He further submits that the Evaluation Committee makes the report and gives the number and on the basis of rules of Panchayat Shikshakarmis (Recruitment and Conditions

of Services) Rules 1997, the Selection Committee selects the candidates and subsequently he was given employment. He further submits that in the year 2007 the appointments were said to be made and after lapse of 8 years, the applicant has been inculpated in the crime. It is further submitted that the charge sheet in this case has already been filed and the applicant is in jail since 18.10.2015 and the similarly placed co-accused in this case has been enlarged on bail by this Court in M.Cr.C.No.7006/2015 vide order dated 16.12.2015, therefore, the applicant may also be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail application, however, on verification, he do not dispute the fact that similarly placed co-accused in this case has been enlarged on bail.
5. Having regard to the fact that the charge sheet in this case has been filed and the evidence available in this case is documentary in nature and and looking to the detention period of the applicant as he is stated to be in jail since 18.10.2015 and the trial may take some time and similarly placed co-accused in this case has been enlarged on bail by this Court in M.Cr.C.No.7006/2015 vide order dated 16.12.2015, I am inclined to release the applicant on bail. Accordingly, the application is allowed.
6. The applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court . He is directed to appear before the said Court as and when directed by the said Court.

Cc as per rules.

Sd/-
GOUTAM BHADURI
JUDGE