

(2018) 07 CHH CK 0223

**Chhattisgarh High Court****Case No:** Miscellaneous Criminal Case (MCRC) No. 3938 Of 2018

Ghanshyam Yadav

APPELLANT

Vs

State Of Chhattisgarh

RESPONDENT

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**Date of Decision:** July 16, 2018**Acts Referred:**

- Code Of Criminal Procedure, 1973 - Section 439
- Indian Penal Code, 1860 - Section 102B, 201, 420, 467, 468, 471

**Hon'ble Judges:** Goutam Bhaduri, J**Bench:** Single Bench**Advocate:** N. Naha Roy, Sangharsh Pandey**Final Decision:** Allowed

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**Judgement**

Goutam Bhaduri, J

1. This is the First Bail Application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant in connection

with Crime No.37/2017 registered at Police Station Gole Bazar, Dist. : Raipur (CG) for the offence punishable under Sections 420, 467, 468, 471, 120-

B, 201 IPC

2. As per the prosecution case, a report was made by the Zila Panchayat, CEO that the applicant along with the other co-accused was instrumental in

giving forged mark-sheet to the candidates to get the employment of the Teacher Panchayat, Librarian etc. On enquiry being made from the present

applicant few of the forged mark-sheets were seized.

3. Learned counsel for the applicant submits that only on presumption, the present applicant has been arrested and there is no direct evidence available

against him even the alleged seized mark-sheets are the photocopy. He further submits that the charge-sheet in this case has been filed and in the similar offence the applicant has been enlarged on bail by the co-ordinate Bench of this Court in MCRC No.3680 of 2018, therefore, the applicant may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.

5. Considering the facts & circumstances of the case and also taking into that the charge-sheet in this case has been filed and the applicant is in jail

since 07.07.2017 and the offences are triable by JMFC, I am inclined to release the applicant on bail.

6. Accordingly, the application is allowed and 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 trial Court. He is directed to appear before the trial Court on each and every date given by the said Court.