

(2018) 01 CHH CK 0067

In the Chhattisgarh High Court

Case No : Miscellaneous Criminal Case (MCRC) No. 3959 Of 2017

Pushpendra

APPELLANT

Vs

State Of Chhattisgarh

RESPONDENT

Date of Decision : 05-01-2018

Acts Referred:

Indian Penal Code, 1860 — Section 109, 419, 420
Code Of Criminal Procedure, 1973 — Section 439
Chhattisgarh Manyata Prapta Pariksha Adhiniyam 1937 — Section 3३

Citation : (2018) 01 CHH CK 0067

Hon'ble Judges : Prashant Kumar Mishra, J

Bench : Single Bench

Advocate : Kamal Kishor Patel, Adhiraj Surana, Sangharsh Pandey

Final Decision : Allowed

Judgement

Prashant Kumar Mishra, J

1. Albeit M.Cr.C. Nos. 3957, 3959 and 4136 of 2017 were heard analogously on 22.11.2017, however, looking to the different nature of crime, facts,

etc. these bail applications are being dealt with separately by passing individual orders.

2. The applicant has preferred this bail application under Section 439 Cr.P.C, as he has been arrested in connection with Crime No. 109/2017,

registered at Police Station Dabhara, District Janjgir Champa (C.G.) for the offence punishable under Sections 420, 419 & 109 of the Indian Penal

Code and Section 3 of the Chhattisgarh Manyata Prapta Pariksha Adhiniyam 1937.

3. Applicant was supposed to appear in the State Open Examination for Class XII, however, on the date of examination one Dev Charan Barathe

appeared as applicant Pushpendra on being deputed by him. The impersonation

was detected in the examination hall itself by the Superintendent of the Examination Centre.

4. Learned counsel appearing for the State would oppose the bail application.

5. Considering the facts and circumstances of the case, particularly considering the fact that the offences are triable by the Judicial Magistrate First

Class and for the fact that the applicant is in detention since 07.04.2017 i.e. for a period of more than 8 months, therefore, looking to the pre-trial

detention period of the applicant, this Court is inclined to release the applicant on bail. Accordingly, the application is allowed and the applicant is

directed to be released on bail on executing a personal bond for a sum of Rs. 25,000/- with one surety each for the like amount 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.