

Shivshankar Rawat vs The State Of Madhya Pradesh on 14 August, 2024

Author: Sanjeev S Kalgaonkar

Bench: Sanjeev S Kalgaonkar

NEUTRAL CITATION NO. 2024:MPHC-GWL:13636

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IN THE HIGH COURT OF MADHYA PRADESH
AT GWALIOR
BEFORE
HON'BLE SHRI JUSTICE SANJEEV S KALGAONKAR
ON THE 14th OF AUGUST, 2024
MISC. CRIMINAL CASE No. 34812 of 2024
SHIVSHANKAR RAWAT
Versus
THE STATE OF MADHYA PRADESH
Appearance:
Shri Girija Shankar Sharma- Advocate for the applicant.
Shri Yogesh Parashar- Public Prosecutor for respondent/S
ORDER

This first bail application has been filed by the applicant under Section 482 of Bhartiya Nagarik Suraksha Sanhita, 2023 for grant of anticipatory bail to the applicant, who is apprehending his arrest in connection with Crime No.20 of 2024, registered at Police Station STF Bhopal Unit, Gwalior for offence punishable under Sections 419, 420, 468, 471, 120-B of IPC and Section 3-D/4 of Manyata Prapt Pariksha Adhiniyam.

As per the case of prosecution, Shivshankar @ Ballu Rawat was selected in Police Constable Recruitment Examination, 2012. He was appointed as Constable and is working at Police Station Manpur, District Sheopur. One unknown complaint was received at the office of Superintendent of Police, Sheopur. Accordingly, matter was investigated. It was found that the finger prints of Constable Shivshankar do not match with the fingerprints (thumb impression) on the OMR Sheet for the examination of Police Constable, 2012. It is alleged that applicant has arranged some impersonator as solver to appear in the examination.

NEUTRAL CITATION NO. 2024:MPHC-GWL:13636 2 MCRC-34812-2024 On such allegations, Police Station STF Bhopal Unit, Gwalior registered FIR at Crime No.20/2024 for offence punishable under Sections 419, 420, 468, 471, 120-B of IPC and Section 3-D/4 of Manyata Prapt Pariksha Adhiniyam. Apprehending his arrest, applicant has filed an application for anticipatory bail before the learned XIIIth Additional Sessions Judge, Gwalior, which was rejected vide order dated

06.08.2024. Applicant is apprehending arrest in the matter. Investigation is underway.

Learned counsel for the applicant, in addition to the grounds mentioned in the application, submits that applicant has falsely been implicated in this matter. Finger prints were matched after a period of almost ten years. On the basis of finger print expert report, applicant is implicated in this matter. No offence as alleged is made out against the applicant. Learned counsel for the applicant further submits that applicant is aged around 41 years. He is working as Constable for last ten years. He is sole bread earner of the family, therefore, there is no likelihood of absconsion leaving his family, home and job. No criminal antecedent is reported against the applicant. There is no likelihood of tampering with evidence. He is ready to cooperate in the investigation. Jail incarceration on false allegations would bring social disrepute and severe hardship to the applicant. Therefore, the applicant may be extended the benefit of anticipatory bail.

Per contra , learned counsel for State opposes the anticipatory bail application on the ground of gravity of alleged offence and submits that custodial interrogation against applicant would be required to get information about the alleged solver.

Heard learned counsel for the parties and perused the case diary.

NEUTRAL CITATION NO. 2024:MPHC-GWL:13636 3 MCRC-34812-2024 Considering the arguments advanced by both the parties and overall circumstances of the case, but without commenting on merits of the case, this Court is inclined to grant anticipatory bail to the applicant. Thus, the application is allowed.

Accordingly, it is directed that in the event of arrest of applicant, applicant- SHIVSHANKAR RAWAT shall be released on bail in relation to Crime No.20 of 2024, registered at Police Station STF Bhopal Unit, Gwalior for offence punishable under Sections 419, 420, 468, 471, 120-B of IPC and Section 3-D/4 of Manyata Prapt Pariksha Adhiniyam, upon furnishing a personal bond in the sum of Rs.1,00,000/- (Rupees One Lakh Only) with one solvent surety of the same amount to the satisfaction of the Officer making arrest, for compliance with the following conditions: (For convenience of understanding by accused and surety, the conditions of bail are also reproduced in Hindi as under):-

(1) Applicant shall make himself available for investigation as may be directed by the officer, in-charge of investigation;

1/41 1/2 vUos" k.kdrkZ iqfyl vf/kdkjh ds funsZ'kkuqlkj vuos" k gsrq vkosnd miyC/k jgsxkA (2) Applicant shall not commit or get involved in any offence of similar nature; 1/42 1/2 vkosnd leku izd`fr dk dksbZ vijk/k ugha djsxk ;k mlesa lfEefyr ugha gksxkA (3) Applicant 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/him/her from disclosing such facts to the Court or to the police officer;

1/43 1/2 vkosnd izdj.k ds rF;ksa ls ifjfr fdlh O;fDr dks izR;{k ;k vizR;{k :i ls izyksHku /kedh ;k opu ugha nsxk] ftlls ,slk O;fDr ,sls rF;ksa dks U;k;ky; ;k iqfyl vf/kdkjh dks izdV djus ls fuokfjr gksA (4) Applicant shall not directly or indirectly attempt to tamper with the evidence or allure, pressurize or threaten the witness;

1/44 1/2 vkosnd izR;{k ;k vizR;{k :i ls lk{; ds lkFk NsMNkM djus dk ;k lk{kh ;k lkf{k;ksa dks cgykus&Qlykus] ncko Mkyus ;k /kedkus dk iz;kl ugha djsxkA (5) Upon submission of final report under Section 173 of Cr.P.C/ 193 of Bhartiya Nagrik Suraksha Sanhita, 2023, the applicant shall furnish fresh personal bond and solvent surety of aforementioned amount to the satisfaction of the Trial Court, if so directed and thereafter, shall remain present on every date of hearing as may be directed by the concerned Court;

1/45 1/2 /kkjk 173 na-iz-la-@193 Hkkjrh; ukxfjd lqj{kk lafgrk] 2023 ds rgr vafre izfrosnu izLrqr gksus ij] ;fn ,slk funsZf'kr fd;k tkrk gSa] vkosnd fopkj.k U;k;ky; dh larqf"Vizn iwoZ mYysf[kr jkf'k dk NEUTRAL CITATION NO. 2024:MPHC-GWL:13636 4 MCRC-34812-2024 uohu oS;fDrd ca/ki= ,oa izfrHkw ca/ki= izLrqr djsxk vkSj mlds mijkar lacaf/kkr U;k;ky; ds funsZ'kkuqlkj lquokbZ dh izR;sd frfFk ij mifLFkr jgsxkA (6) During trial, the applicant shall ensure due compliance of provisions of Section 309 of Cr.P.C/ 346 of Bhartiya Nagrik Suraksha Sanhita, 2023, regarding examination of witnesses in attendance;

1/46 1/2 fopkj.k ds nkSjku] mifLFkr xokgksa ls ijh{k.k ds laca/k esa vkosnd /kkjk 309 na-iz-la-@346 Hkkjrh; ukxfjd lqj{kk lafgrk] 2023 ds izko/kkuksa dk mfpr vuqikyu lqfuf'pr djsxkA This order shall be effective till the end of trial. However, in case of breach of any of the precondition of bail, the Trial Court may consider on merit cancellation of bail without any impediment of this order.

The trial Court shall get these conditions reproduced on the personal bond by the accused and on surety bond by the surety concerned. If any of them is unable to write, the scribe shall certify that he had explained the conditions to the concerned accused or the surety.

C.C. as per rules.

(SANJEEV S KALGAONKAR) JUDGE *AVI*