



2026:CGHC:31072



2026:CGHC:25736

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Cr.A. No. 1539 of 2026

Avon Sahu, S/o Shatrughan Sahu, aged about 39 years, R/o Navin Joratrai P.S. Kurud District Dhamtari C.G.

---- Appellant

Versus

State of Chhattisgarh Through- The Station House Officer, Police Station Magarload District Dhamtari C.G.

--- Respondent

&

Cr.A. No. 1739 of 2026

Tarachand Sahu, S/o Shri Budhram Sahu, aged about 38 years, R/o Village Chaitra, Post And Police Station Fingeshwar, District- Gariyaband (C.G.)

---- Appellant

Versus

State of Chhattisgarh Through The Station House Officer, Police Station Magarlod, District - Dhamtari

--- Respondent

For Appellant	: Shri Sunil Sahu and Shri Rajkumar Sahu, Advocates.
For Respondent	: Shri Anand Gupta, Dy. G.A.

Hon'ble Shri Justice Sachin Singh Rajput

Judgment on Board

21.07.2026

1. Since all the bail applications are arising out of the same crime number, therefore, they are being disposed of by this common order.



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2. These criminal appeals under Section 14-A(2) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as "Special Act") have been filed by the appellants against the orders dated 10.06.2026 and 04.7.2026 respectively passed by the Special Judge (SC/ST Act), District Dhamtari (C.G.), whereby the learned Special Judge has rejected application under Section 482 of BNSS in connection with Crime No. 124/2011 registered at Police Station Magarlod, District Dhamtari (C.G.) for the offence punishable under Sections 420, 467, 468, 471 & 120-B of Indian Penal Code (For Short 'IPC') and under Section 3(9)(4) of the Scheduled Caste & Scheduled Tribe (Prevention of Atrocities) Act, 1989.
3. Case of the prosecution, in brief, is that recruitment process was carried out by Janpad Panchayat, Magarload sometime in the year 2007 for appointment of Shiksha Karmi Grade-III in Janpad Panchayat, Magarload. At the relevant point of time, the co-accused were members of selection committee of Janpad Panchayat, Magarload. The appellants along with other co-accused hatched a criminal conspiracy and had given marks to the candidates on the basis of forged/invalid documents and thereby increased the marks of the candidates, who were not deserving for the said appointment and by this act, deserving candidates have not been given appointment and thereby committed the aforesaid offences. FIR was lodged on the complaint made by the objector sometime in the year 2011 and investigation was carried out.



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4. Learned counsel appearing for the appellants submit that the appellants are innocent, they have not committed any crime and they have been falsely implicated in the present cases, whereas they only were not responsible for entire selection process and appointment of candidates as Shiksha Karmi Grade-III. They further submit that the due procedure as prescribed under the Chhattisgarh Panchayat Shiksha Karmi (Recruitment & Service) Rules, 1997 was followed and there were about 5000 applications received for appointment on about 172 posts. Thereafter, there was filtering process conducted by different committees. They also submit that there was Evaluation Committee. On the basis of mark-sheets and other testimonials submitted by the candidates and after filtration, a list was prepared and thereafter from 2-3 filtering process, ultimately selection list was prepared, which was subsequently approved by the Selection Committee which consists of 8 members. They submit that the police has not collected any evidence to connect the present appellants with the aforesaid crime and there is no evidence on record to suggest that the present appellants hatched a criminal conspiracy with other co-accused. They also submit that FIR was registered sometime in the year 2011 on the basis of complaint of unknown person and for last 4 to 5 years, there was no complaint whatsoever leveled by any candidate whose candidature was not considered or accepted by the Committee. The complainant with an ulterior motive has lodged the report, which has no basis and any substance. The appellants are permanent residents of Tahsil



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Magarlod, District Dhamtari (C.G.) and there is no possibility of their being absconding or fleeing from the trial or tampering with the evidence. They submit that the complaint was not filed for commission of any offence under the Special Act. It does not disclose commission of any offence under the Special Act. In support of their contention, they relied upon the judgment of the Hon'ble Supreme Court in the matter of **Prathvi Raj Chauhan v. Union of India and others, (2020) 4 SCC 727**. They further submit that other co-accused have already been granted bail by this Court in **CRA No.1240 of 2022 on 2.11.2022** and **CRA No.1385 of 2022 on 3.11.2022** and further in **CRA No.2109 of 2025** and **connected matters on 3.11.2025**.

5. On the other hand, Learned Deputy Government Advocate appearing for the State/respondent opposes the bail applications and submits that looking to the allegations made against the present appellants, they are not entitled for anticipatory bail. He, however, does not dispute the fact that other co-accused, against whose similar allegations are there, have already been granted bail by this Court.
6. I have heard learned counsel appearing for the parties, considered their rival submissions and also gone through the documents appended with the criminal appeals.
7. On 17.7.2026, complainant Krishna Kumar Sahu appeared through video



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conferencing and objected to grant of bail to the appellants. His objection is recorded.

8. Considered the rival submissions made at the Bar, considering all facts and circumstances of the case, in view of the judgment of the Hon'ble Supreme Court in the case of **Prathvi Raj Chauhan** (supra) and also keeping in view that other co-accused against whom similar allegations are there have already been granted bail by this Court, this Court is inclined to grant benefit of Section 482 of BNSS to the present appellants.

9. Accordingly, all the appeals are allowed. The impugned orders are set aside. It is directed that in the event of arrest of the appellants in connection with the aforesaid offence, they shall be released on bail on each of them furnishing a personal bond in the sum of Rs.50,000 (Fifty Thousand) with one surety for the like sum to the satisfaction of the arresting officer, on the following conditions:

- (a) They shall make themselves available for interrogation by the concerned police officer as and when so required;
- (b) 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 fact to the Court or to any police officer;
- (c) They shall not act in any manner which will be prejudicial to fair and expeditious trial;
- (e) They shall not involve themselves in any offence



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of similar nature in future;

(f) If any of the conditions is violated by the appellants, the State/complainant will be at liberty to move an application for cancellation of bail.

10. It is made clear that the above observations are only for the purposes of deciding the bail applications. The trial Court will decide the cases on their own merits without being influenced by any of the observations made herein-above.

11. It is directed that the appellants shall appear before the Investigating Officer for co-operating with the investigation on **31.7.2026**.

-Sd/-

(Sachin Singh Rajput)
Judge