MCRC-11672-2015

(RAJESH KUMAR CHOUHAN Vs *THE STATE OF MADHYA PRADESH through CBI)*

31-08-2015

Shri A.D. Mishra, learned counsel for the applicant.

Shri J.K. Jain, learned Assistant Solicitor General for CBI assisted by Shri K.S. Wadhwa, learned Additional A.G., Shri Piyush Dharmadhikari, learned G.A. and Shri Prkash Gupta, learned Panel Lawyer.

Heard learned counsel for the parties.

This is the first application under Section 439 of Code of Criminal Procedure for grant of bail filed on behalf of applicant in connection with **Crime No.360/2012** registered with Police Station Kohe-Fiza Distt. Bhopal for offence under Sections 419, 420, 467, 468, 471, 120-B of Indian Penal Code and under Section 3(Gha),1, 2/4 of Madhya Pradesh Examination Recognition Act, 1937.

The role ascribed to the applicant by the prosecution is that of **impersonator** in the Pre-Medical Examination (PMT) Year 2010.

Shri J.K. Jain learned counsel appearing for the CBI has stated that now the **CBI** has re-registered the crime as **RC No.7/15**. The investigation Officer has already been appointed by the CBI.

Having regard to the aforesaid and the recent development of taking over the investigation by the CBI, in our considered view it would be appropriate that the matter may be considered by the trial Court on its own merits in accordance with law **without being influenced by any observation made in this order or in any previous order rejecting bail application of applicant by the trial Court**.

Thus, instead of keeping the present application pending before this Court, we deem it proper to give liberty to the applicant to approach the trial Court by filing a bail application. The trial Court shall consider the submissions as may be made by the applicant and the CBI and shall

pass an appropriate order on the fresh application as may be filed by the applicant before it expeditiously.

With the aforesaid liberty and observations the M.Cr.C. stands disposed of.

C.c. as per rules.

(SHANTANU KEMKAR)   **(KESHAV KUMAR TRIVEDI)**
JUDGE   **JUDGE**