

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4068 of 2015

- Vinay Kumar Agrawal, son of Satyanarayan Agrawal, aged about 35 years, resident of Jamnipali, Police Station Darri, Civil and Revenue District Korba (C.G.)

---- Applicant

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Station – Janjgir, District Janjgir-Champa (C.G.)

---- Non-applicant

For Applicant: Mr. Sunil Otwani, Advocate.
For Non-applicant/State: Mr. Neeraj Jain, Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

18/08/2015

Heard.

(1) The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 692/2014 registered at Police Station Janjgir, District Janjgir-Champa (C.G.) for the offences punishable under Sections 420, 467, 468 & 471 of the Indian Penal Code.

(2) Case of the prosecution, in brief, is that co-accused – Santosh Sahu obtained fitness certificate for his vehicle bearing

registration No. CG 11-AB-8767 from the District Transport Authority, Janjgir-Champa without producing his vehicle; and the present applicant deposited on-line challan by using his I.D. for issuance of fitness certificate on behalf of vehicle owner – Santosh Sahu and, thereby committed the aforesaid offences.

(3) Counsel for the applicant submits that the applicant has not committed any offence and he has been falsely implicated in the offence in question as he, being the RTO Agent, only deposited on-line challan on behalf of co-accused Santosh Sahu and, thereafter, Santosh Sahu was required to produce the vehicle in question before the District Transport Authority, Janjgir-Champa for getting the fitness certificate issued by District Transport Authority; and the fitness certificate was issued by District Transport Authority on 20.11.2014. He further submits that co-accused – Santosh Sahu, owner of the vehicle has already been released on bail by the Court of Session on 8.6.2015 and the applicant's case is on better footing than co-accused Santosh Sahu, who has already been enlarged on bail and, therefore, the applicant may be released on bail.

(4) On the other hand, counsel for the State opposes the bail application.

(5) Taking into consideration the facts & circumstances of the case; role of the present applicant in the offence in question; and considering the fact that co-accused – Santosh Sahu, owner of

the vehicle, in whose favour the fitness certificate has been issued by the District Transport Authority, Janjgir-Champa, has already been enlarged on bail by the Court of Session on 8.6.2015; and the applicant is languishing in jail since 8th July, 2015; this court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.

(6) Accused/applicant is directed to be released on bail on his executing a personal bond in the 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 to him by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
Judge

D/-