

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 5578 of 2016

1. Rohit Sharma, S/o. Vishwanath Sharma, aged about 24 years, R/o. Ward No.12, Nehru Nagar Bhilai, Tahsil and District – Durg (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : District Magistrate, Durg, District- Durg (C.G.)

---- Respondent

For Applicant	: Mr. P.R. Patanker, Advocate
For Respondent/State	: Ms. Shobha Kashyap, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

19/09/2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.231/2016, registered at Police Station – Durg, District- Durg (C.G.) for the offence punishable under Section 420, 467, 468, 471/34 of Indian Penal Code and Section 66 (B), 66 (D), 66 (C) of Information Technology Act.
2. Case of the prosecution, in brief, is that one Lokesh Kumar Patil working in RTO made a report that in between 29.02.2016 to 08.03.2016 RTO tax of 50 vehicles was paid by using his computer

ID which he could discover on 09.03.2016 and on enquiry it was found that Rajesh Agrawal, RTO agent and Rohit Sharma data entry operator of Smart Chip Pvt. Ltd. has committed such offence and forged entry was made by using the ID of Lokesh Kumar Patil.

3. Learned counsel for the applicant submits that evidence collected by the prosecution would indicate that entire offence has been committed by Rajesh Agrawal and Anil Kumar Dewangan has also used his computer and the entire allegations are attributed to Rajesh Agrawal and the entries were made by using the entries of Lokesh Kumar Patil. He further submits that similarly placed co-accused Anil Kumar has been granted bail by this Court vide order dated 23.08.2016 in M.Cr.C.No.4844 of 2016, therefore, the counsel prays that the applicant may also be enlarged on bail.
4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties.
6. Perused the statement of Lokesh Kumar Patil. Perusal of the statement would show that entire allegation has been attributed to Rajesh Agrawal and Rohit Sharma, the present applicant. The applicant was working as Data Entry Operator in the Smart Chip Company and by the same computer ID and password, entries were made. Considering the role played, the case of the applicant is entirely different from that of the co-accused, who has been enlarged on bail and further considering the fact that under similar allegation, the bail application of similarly placed co-accused

persons have been dismissed by this Court, I am not inclined to release the applicant on bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge

Balram