

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 7594 of 2015

1. Ashish Agrawal, aged about 34 years, S/o. Late Om Prakash Agrawal, R/o. Churi Line, Isha Complex, Gol Bazaar, Civil and Revenue District – Raipur (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : Station House Officer, Police Station - Khamtarai, District – Raipur (C.G.)

---- Respondent

For Applicant	: Mr. Sandeep Yadav, Advocate
For Respondent/State	: Mr. Satish Gupta, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

14/01/2016

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.431/2014, registered at Police Station – Khamtarai, District – Raipur (C.G.) for the offence punishable under Section 420, 467, 468, 471, 120-B of Indian Penal Code.
2. Case of the prosecution, in brief, is that a vehicle was registered on 26/04/2012 for which e-challan was deposited of Rs.4,55,847/-. Subsequently, amount did not match and on the basis of e-challan car of one Ganesh Prasad was registered as C.G. 04/HE-0111. Subsequently, e-challan did not match with the treasury challan and on inspection of treasury challan it was recovered that amount of Rs.4/- and Rs.1/- was deducted from the account of Pravin Kumar Hota who was also working with another agent Amit Masih. Further it is case of

prosecution that Pravin Kumar Hota was working as partner of Amit Masih who was working as RTO agent and used to sit at office situated at Pancpedi Naka, therefore Pravin Kumar Hota along with other co-accused and the cashier of the RTO has committed forgery with the government account and instead of Rs.4,55,847/-, Rs.5/- only was paid and the allegation against this applicant is that he was assisting the Cashier, S.N. Tailor, who was working in the RTO and was only given print out of the receipt of e-challan and no criminality has been committed.

3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case. He would further submit that the case of the applicant is entirely different from that of the other accused - Pravin Kumar Hota. He would further submit that as per the evidence available, the allegation against this applicant is that he has only given print out of the receipt as per the direction of S.N. Tailor, who was working as Cashier of RTO Office, Raipur, therefore, if the challan was not verified and it was certified by the department of RTO to be true, since the applicant has given the print out at the instance of the S.N. Tailor, Cashier, no criminality can be attributed to the applicant.
4. On the other hand, learned counsel for the State opposes the bail application, however, do not able to dispute the fact that the role of the applicant is limited that he has only given print out of the e-challan.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Perused the charge sheet and the documents. Considering the role played by this applicant, prima-facie it appears that his role is entirely

different from that of the other co-accused and limited allegation are attributed to this applicant, who was assisting the cashier, S.N. Tailor, who was working in RTO. Considering the role played by this applicant, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge