

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 855 of 2016

1. Ashish Dubey @ Durga Prasad Dubey, aged 26 years, S/o. Shri Narendra Kumar Dubey, R/o. T/B-07, Tikrapara, Postal Colony, Raipur, Tahsil and District-Bilaspur (C.G.)

----Applicant

Versus

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

---- Respondent

For Applicant	: Mr. Basant Kaiwartya, Advocate
For Respondent/State	: Mr. Neeraj Sharma, Dy.Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

28/06/2016

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), 409, 201 of the Indian Penal Code.
2. Case of the prosecution, in brief, is that certain e-challan were deposited by the applicant and other co-accused, Amit Masih and Amit Masih was RTO agent had deposited different challan of Rs.1, 2 etc., which did not match with treasury challan. The allegations against the applicant is for 600 vehicles, challan was deposited by creating forged ID and Rs.1, 2 was deposited by the applicant, which was found to be forged.
3. Learned counsel for the applicant submits that the applicant has been

falsely implicated in this case and the charge-sheet in this case has been filed, and the applicant is in jail since 27.10.2015, therefore, the counsel prays that the applicant may 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 case diary and the documents. Perusal of the documents prima-facie shows that the applicant by creating forged ID by net banking deposited e-challan for 600 vehicles. Perusal of the document further shows that from the account of the applicant, the amount was deposited. Taking into nature of the allegations and also taking into fact that charges under Section 120-B of IPC is also registered against this applicant. Taking into totality of the documents the way the offence has been committed at this stage, it can not be ruled out that if the applicant is enlarged on bail, there will be tampering of the evidence. Therefore, considering the facts and circumstances of the case, this Court is 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