

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 4898 of 2016

1. Kiran Kumar Dewangan, S/o. Shri Santram Dewangan, aged about 35 years, R/o. Mahatma Gandhi Nagar, Camp-2, Ward No.22, Near Fal Mandi, Alankar Complex, Powerhouse, 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. B.P. Singh, Advocate

For Respondent/State : Mr. Neeraj Jain, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

01/09/2016

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, 470, 471/34 of Indian Penal Code and Section 66 (B), 66 (D) 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. along with applicant has committed such offence and forged entry was made by using the ID of Lokesh Kumar Patel. It is alleged that the Kiran Kumar Dewangan, the present applicant, who was working in Smart Chip Pvt. Ltd. used the ID and password despite knowing the fact that he was not authorized. Thereby the offence has been committed.

3. Learned counsel for the applicant submits that the applicant is the employee of Smart Chip Pvt. Ltd and he has not committed any offence and actual offence has been committed by Rohit Sharma and Rajesh Agrawal. He further submits that similarly placed co-accused namely Anil Kumar Dewangan has been enlarged on bail vide order dated 23.08.2016, passed 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 and would submit that the case of the applicant is different from that of the co-accused, who has been enlarged on bail. It is submitted that as per the statement of the V.Y. Shrinivas Rao, Technical Director of NIC has stated that the present applicant has used his ID.
5. I have heard learned counsel appearing for the parties.
6. Perused the case diary and documents and the statement of V.Y. Shrinivas Rao as also the memorandum statement of the applicant, Kiran Kumar Dewangan. Perusal of the documents and the statement prima-facie it appears that the present applicant has used

his ID illegally and acted as administrator. Considering such statement prima-facie it appears that the case of the present applicant is different from that of the co-accused, who has been enlarged on bail. Considering such facts, 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