

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 5195 of 2016

1. Pawan Kumar Pawar, S/o. K.G. Pawar (wrongly written as Tej Pawar), aged about 42 years, R/o. Plot No.28, Pragati Nagar, Street No.3/H, Resali, P.S. Nevai, District – Durg (C.G.)

----Applicant

Versus

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

---- Respondent

For Applicant	: Mr. Raghavendra Pradhan, Advocate
For Respondent/State	: Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

07/09/2016

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.145/2016, registered at Police Station – Bhilai Nagar, District – Durg (C.G.) for the offence punishable under Section 420, 467, 468, 471, 120, 201/34 of Indian Penal Code.
2. Case of the prosecution, in brief, is that the applicant who was working under Vijendra Kumar Rogade, who used to file the income tax return of different employee of BSP it was found that an amount of Rs.3,21,31,650/- was illegally refunded to the assessee by wrong

entry made, thereby caused loss to the government ex-chequer.

3. Learned counsel for the applicant submits that the applicant was only working under Vijendra Kumar Rogade, who was responsible for filing the return. It is further submitted that the applicant was only employee was getting salary of Rs.15,000/- and Vijendra Kumar was the beneficiary. It is further submitted that considering the role played by this applicant and further considering the fact that charge-sheet in this case has been filed and the applicant is in jail since 15.07.2016, 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 documents and the admission of Vijendra Kumar Rogade. Considering the statement of Subhash Hingle, taking into the nature of job discharged by the present applicant, prima-facie it appears that he was working under Vijendra Kumar Rogade, who admitted the fact that entire return was deposited by him and further considering the fact that charge-sheet in this case has been filed, no further investigation is required and 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

Balram