

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6601 of 2016

- Sandeep Deshmukh S/o Jeevanlal Deshmukh Aged About 27 Years
R/o 34, Qutr. No. 02 C, Reesali Sector, Bhilai, District Durg
Chhattisgarh --- **Petitioner**

Versus

- State of Chhattisgarh Through The District Magistrate, Durg District
Durg Chhattisgarh --- **Respondent**

For the applicant	:	Mr. Manish Sharma, Advocate
For the Respondent	:	Mr. Anil S. Pandey, Govt. Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

07.11.2016

1. This is second bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 145 of 2016 registered at P.S. Bhilai Nagar, Distt. Durg (C.G) for the offence punishable under Sections 420, 467, 468, 471, 120, 201/34 IPC. The first bail application was dismissed on 27.09.2016 with liberty to renew the same.
2. As per the prosecution case, the applicant who was working with Vijay Kumar Rogade used to file e-returns of different employees of Bhilai Steel Plant and he alongwith Vijendra Kumar Rogade has filed the return with wrong particulars showing the higher payment of advance tax. Consequently, the amount of Rs.3,21,31,650/- was illegally returned to different employees, therefore, he caused loss to the government exchequer and the amount was received by the applicant in lieu thereof by different employees.
3. Learned counsel for the applicant would submit that the applicant was working under Vijendra Kumar uptill 2013-2014 and the entire allegations have been attributed to Vijendra Rogade and no evidence

is available against the present applicant to connect him with the crime in question and only the statement of one Ashok Kumar Charde appears to be against the present applicant which shows that the applicant has only charged Rs.500/- for filing of each return. He further submits that the applicant has been falsely implicated and the main accused Vijendra Kumar Rogade was enlarged on bail by the court below on 23.07.2016 under the provisions of Section 167(2) of Cr.P.C., and another accused Pawan Kumar Pawar has been granted bail by this Court in M.Cr.C.No.5195/2016 on 07.09.2016, therefore, the applicant may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail.
5. Perused the order dated 23.07.2016 by which co-accused Vijendra Rogade was enlarged on bail.
6. Considering the nature of evidence available and the statement of witness Ashok Kumar Charde as also the fact that the charge sheet in this case has been filed and the applicant is stated to be in jail since 10.05.2016 and the fact that other accused Vijendra Rogade and Pawan Kumar have been enlarged on bail, I am inclined to allow this bail application.
7. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court. He shall also appear before the trial Court as and when directed by the said Court till disposal of trial.

C.c. as per rules.

Sd/-

**GOUTAM BHADURI
JUDGE**