

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7342 of 2016

1. Sanjay Gupta S/o Late Sita Ram Gupta Aged About 30 Years
Cast- Gupta, R/o Dhanpunji, Tehsil & District- Jagdalpur,
Chhattisgarh
2. Pawan Dhawan S/o Late Shyam Lal Dhawan Aged About 42 Years
R/o Kotpad, District- Koraput (Odissa)

---- **Petitioner**

Versus

- State Of Chhattisgarh Through The Station House Officer, Police
Station-Keshkal, District- Kondagaon, Chhattisgarh

---- **Respondent**

For Applicants : Mr. Pawan Kesharwani, Advocate
For Respondent/State : Mr. Anupam Dubey, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

23-11-2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested on 7-7-2016 in connection with Crime No. 93 of 2016 (as per charge-sheet), registered at Police Station Keshkal, District Kondagaon (CG) for the offence punishable under Sections 342, 420, 392, 120-B, 170 of the IPC.
2. Case of the prosecution, in brief, is that on 19-6-2016 Gupto Dadsena, who was coming in a Truck bearing registration No. CG-04-G-5954 with cashew-nuts from Jaipur to Raipur, was intercepted by the present applicants and other co-accused persons. They themselves personified to be the officers of Sales Tax and demanded requisite papers and having failed to do so,

initially Rs.10,000,00/- was demanded which was ultimately negotiated to Rs.3,50,000/-. Thereafter, Rs.3,50,000/- was received and the aforesaid truck was allowed to go. Subsequently, it was found that the present applicants and other co-accused persons falsely impersonified to be Sales Tax Officers and received the amount.

3. Learned counsel appearing for the applicants would submit that the first information has been lodged against the unknown persons and the applicants have not been identified. Memorandum statements of Sanjay Gupta and PaWan Kumar Dhawan were recorded at 17.40 and 17.45 hours and they were arrested at 18.35 hours. It is further submitted that the statements of the witnesses are contrary to each other which goes to show that the applicants have been falsely implicated and the first information was delayed by 15 days. He would further submit that charge-sheet has been filed in this case, the applicants are in jail since 7-7-2016 and no further investigation is required, therefore, they may be released on bail.
4. On the other hand, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel for the parties, perused the case diary and other documents.
6. Perused the first information report which would show that Sanjay Gupta has been named in the first information report and perusal of the memorandum statements of the applicants goes to show that different amount was received.
7. Taking into consideration the facts and circumstances of the case, nature and gravity of the offence and further considering the

memorandum statements of the applicants and first information report and nature of evidence available against the applicants, I am not inclined to release the applicants on bail.

8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is liable to be and is hereby dismissed.

Sd/-
(Goutam Bhaduri)
Judge

Raju