

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8541 of 2016

Shahanwaj Akhtar, S/o. Shri Abdul Husain Khair, Aged About 32 Years,
R/o. D-7, Om Flat, Rampur, Korba, Tahsil - Korba, Civil & Revenue District
Korba, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through The Station House Officer, Police Station
Deepaka, Civil & Revenue District Korba, Chhattisgarh.

---- Respondent

For Applicant : Mr. Paras Mani Shriwas, Advocate

For Respondent : Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

09/01/2017

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.102/2016 registered at Police Station- Deepaka, District Korba (C.G.) for the offence punishable under Sections 420, 467, 468, 471, 120, 201, 34 of Indian Penal Code.
2. Case of the prosecution, in brief, is that a report was made by Anjani Kumar Singh on behalf of the Income Tax Department that the present applicant contacted different employees of SECL and told them that the deduction of tax which was made higher, he would be able to return the same provided he has paid commission. Consequently, certain forms were filed to get back the refund and certain refund was accordingly made and for the year 2013-14 and 2014-15, which was not otherwise returnable, however, on the basis of fake further submission of the form,

which was made by the present applicant refund was made after charging commission.

3. Learned counsel for the applicant would submit that the employees and others received the refund and the present applicant was not the beneficiary and the applicant is the share-broker business holder and he is running a computer shop, therefore, he has not committed any offence. He further submits that the charge sheet has been filed and no further investigation is necessary, therefore, the applicant may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary and statement of different employees of SECL and also the statement of Anjani Kumar wherein it shows that the applicant on the basis of fake declaration got the refund in the Account of different employees and charged commission of 40% which caused loss of Rs.94 Lakhs and odd to the Government. Taking into the nature of allegation, I am not inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge