

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 1079 of 2017

1. Satyendra Nath Tailer, S/o. Late Jagannath Prasad Tailer (wrongly mention certified copy as Shri S.N. Tailer), Aged About 50 Years, R/o. Quarter No. 26, Dream Home Gangavihar Colony Amlidih Raipur, Police Station -Telibandha, District - Raipur, Chhattisgarh.

----Applicant

Versus

1. State of Chhattisgarh, Through: Police Station – Khamtarai, Raipur, District - Raipur, Chhattisgarh.

---- Respondent

For Applicant : Mr. S.C. Verma, Advocate

For Respondent/State : Mr. Ashish Shukla, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

03/03/2017

1. This is the third 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.431/2014, registered at Police Station – Khamtarai, Raipur, District – Raipur (C.G.) for the offence punishable under Section 420, 467, 468, 471, 120-B of the Indian Penal Code. The first bail application was dismissed as withdrawn vide order dated 27.01.2016 and the second bail application was dismissed on 04.11.2016.
2. Case of the prosecution, in brief, is that a vehicle was registered on 26/04/2012 for which e-challan was deposited of Rs.4,55,847/-. Subsequently, amount did not match and on the basis of e-challan car

of one Ganesh Prasad was registered as C.G. 04/HE-0111. Subsequently, e-challan did not match with the treasury challan and on inspection of treasury challan it was recovered that amount of Rs.4/- and Rs.1/- was deducted from the account of Pravin Kumar Hota who was also working with another agent Amit Masih. Further it is case of prosecution that Pravin Kumar Hota was working as partner of Amit Masih who was working as RTO agent and used to sit at office situated at Pancpedi Naka, therefore Pravin Kumar Hota along with other co-accused and the cashier of the RTO has committed forgery with the government account and instead of Rs.4,55,847/-, Rs.5/- only was paid and the allegation against this applicant is that he was assisting the other co-accused and was working in RTO. Thereby the offence has been committed.

3. Learned counsel for the applicant would submit that the applicant has lodged in jail 03.10.2015 and few of the witnesses namely Narayan Singh Dhruw, RTO Office Raipur, Mamta Sahu, Heeralal Nayak, RTO, Santo Ram Yadav, Nazir Hussain and Nirmal Kumar Dhanuka have been examined and few of the witnesses have been declared hostile, therefore, 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 the learned counsel for the parties.
6. Perused the case diary and the statement. Perusal of the statement would show that detailed examination and cross-examination have been made. It would not be proper for this Court to decide the bail application by evaluating the entire case on merits by usurping the power of trial Court. It is for the trial Court to adjudicate the same after

all the evidence is placed on record. Only by picking few lines from the statement it could not advance the cause of justice either for the applicant or for the prosecution. Therefore, taking into the totality and the facts and circumstances of the case, 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. However, the trial Court is requested to expedite the trial.

Sd/-
(Goutam Bhaduri)
Judge