

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5143 of 2017**

- Rajesh Kumar Agrawal S/o Late Puurshottam Lal Agrawal, Aged About 40 Years R/o H I G 1/ 2201, M. P. H. B. Colony, Industrial Area, Bhilai, Police Station Jamul, Tahsil & District Durg, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Police Station House Officer, Police Station Durg, District Durg, Chhattisgarh,

---- Respondent

For Applicant	:	Shri Avinash K. Mishra, Advocate
For Respondent-State	:	Shri Anupam Dubey, Dy. GA for the State

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****18/08/2017**

1. This is the second bail application. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No.231/2016 registered in Police Station Durg, District Durg (C.G.) for offence punishable under sections 420, 467, 468, 471, 34 of IPC and Section 66(B), 66(D) of Information of Technology Act.
2. As per the prosecution case, one Lokesh Kumar Patil working in RTO made a report that in between 29/02/2016 to 8/03/2016 RTO tax of 50 vehicles was paid by using his computer ID which he could discover on 9/03/2016 and on enquiry it was found that Rajesh Agrawal, RTO agent and Rohit Sharma data entry operator of Smart Chip Pvt. Ltd. along with other co-accused has committed such offence and forged

entry was made by using the ID of Lokesh Kumar Patil.

3. After rejection of first bail application on 07.09.2016 an SLP bearing SLP (Crl.) No.1294/2017 was preferred before the Supreme Court and the said SLP was dismissed as withdrawn on 20.02.2017 with liberty to move the trial Court for renewal of bail of the petitioner. Thereafter this second bail application has been filed.
4. Learned counsel for the applicant submits that Lokesh Kumar Patel has been examined and according to him no offence is made out. He would also submit that the I.D. which is said to be used by the present applicant is completely false as the I.D. could not have been stolen and no document in this regard has been filed by the prosecution. He would further submit that as per the memorandum of another accused Rohit Sharma only three entries were made by the applicant, whereas 30 entries were made by Anil Kumar Dewangan and Anil Kumar Dewangan has been enlarged on bail on 23.08.2016 in M.Cr.C. No.4844/2016, therefore, the present applicant may also be enlarged on bail.
5. Learned State counsel opposes the bail application.
6. Perusal of the earlier bail rejection order dated 07.09.2016 shows that the first bail was dismissed on merits. Subsequently, the SLP was filed before the Supreme Court was also dismissed as withdrawn on 20.02.2017 with liberty to move the trial Court for renewal of bail of the petitioner. Also perused the statement of Lokesh Kumar Patel (PW-1). Considering para 8 of the statement in which the allegations have been attributed to the present applicant, this Court at this stage cannot

proceed to decide the case on merits. It is for the trial Court to decide the same after evaluating all the evidence. Also considering the memorandum statement of Rohi Sharma in which the allegations have been attributed to the present applicant, I do not find any change of circumstances to reconsider the second bail application. It is accordingly dismissed, however, learned trial Court is requested to expedite the trial.

Sd/-

Goutam Bhaduri
Judge

Ashu