

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6625 of 2017**

- Ramesh Kumar Bharat S/o Late Gendlal Bharat, Aged About 60 Years R/o Bharat Nagar, Near House of Parshad Toran Sen, P. S. Gudhiyari, Tahsil And District Raipur Chhattisgarh Mobile No. 7974158830

----Applicant**Versus**

- State of Chhattisgarh Through P. S. Civil Line, Raipur, District Raipur Chhattisgarh

---- Respondent

For Applicant	:	Shri CR Sahu, Advocate
For Respondent-State	:	Shri S.K. Mishra, PL for the State

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****21/03/2018**

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 on 21.07.2017 in connection with Crime No.372/2014 registered at Police Station Civil Line, Raipur, District Raipur (CG) for the offence punishable under Sections 420 & 409 of the I.P.C. and Section 45 (2) of the Chhattisgarh Value Added Tax, 2005.
2. As per the prosecution case, a case was registered under Sections 420 & 409 of the I.P.C. and Section 45 (2) of the Chhattisgarh Value Added Tax, 2005 on the ground that the applicant had opened a shop namely M/s. Ramesh Trading Company and sold different commodities i.e. paddy, rice and oil at Rs.7 Crores, however, did not pay the tax amount of Rs.34,19000/- as such the offence was committed and he was arrested.

3. Learned counsel for the applicant submits that he has not committed any offence and has been falsely implicated and he was employed with the Ramesh Trading Company, wherein he was shown to be the owner. He would further submit that he is the holder of card of Below Poverty Line and his son is also disabled and he is in jail since 21.07.2017 and no further investigation is necessary in this case, therefore, the applicant may be released on bail.
4. On the earlier occasion learned State counsel was directed to verify the fact that whether the applicant is the holder of BPL card or not. State counsel submits that the applicant was issued a ration card of below poverty line from the Municipal Corporation.
5. Considering the nature of allegations and the report of the State, wherein the applicant has been stated to be a BPL card holder and it appears that the business was being carried in his name and also taking into the period of detention, I am inclined to release the applicant on bail.
6. Accordingly, the 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 trial Court. He is directed to appear before the trial Court on each and every date given by the said Court.
7. It is further observed that the applicant shall be at liberty to stake his claim over the business for which he has been projected as the owner, as rights and liabilities would be the equal responsibility of the applicant. Further considering the nature of allegations and facts as appears the

applicant is downtrodden as such the District Legal Aid Authority may provide the legal aid to the applicant to make him aware of his rights & liabilities qua the nature of allegations of him.

Sd/-
Goutam Bhaduri
Judge

Ashu