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HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 6953 of 2017

Suryaprakash Sahu, S/o. Shri Mohanlal Sahu, Aged About 26 Years, Occupation - Student, R/o. Ram Saptah Gali, Hanuman Temple Gali, Ramsagarpara, Raipur, Police Station - Azad Chowk, Raipur Tahsil and Civil and Revenue District- Raipur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through: Station House Officer, Police Station Civil Lines -Raipur, District -Raipur Chhattisgarh.

---- Respondent

For Applicant : Mr. Dharmesh Shrivastava, Advocate

For Respondent/State : Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

15/01/2018

1. This is the first 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.367/2014, registered at Police Station – Civil Lines, Raipur, District – Raipur (C.G.) for the offence punishable under Section 420, 409 of the Indian Penal Code and Section 45 (2) of the Chhattisgarh Value Added Tax Act, 2005.

2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated for the offence under Section 420

and 409 of the Indian Penal Code. The case against him is simply that he has failed to pay VAT tax to the State government, hence, this act is covered under Section 64 (1) (3) of the VAT Act. Applicant is in jail since 21.07.2017 and is ready and willing to abide all the conditions for grant of bail, if he is released on bail. Therefore, it is prayed that the applicant may be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect.

4. I have heard the learned counsel for both the parties and perused the case diary.

5. The commercial tax department has lodged FIR against the applicant that for the years 2011 to 2013, applicant sold products worth Rs.5,26,26,312/- for which the VAT of Rs.26,21,316 was payable to the government, which has not been paid by the applicant and on the contrary, false documents have been prepared showing such payment, hence, the case has been registered against the applicant.

6. Considered the submissions made and the contents of the case diary as also the provisions under Section 64 (1) (e) of the VAT Act. Further taking into consideration that the applicant is local resident, his availability before the trial Court shall not be compromised, if he is released on bail, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram