

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7107 of 2017

Manoj Singh @ Arvind Singh, S/o. Late Shri Chhatradhari Singh, Aged About 34 Years, R/o. Jounpur, Nonari, P.S. Madiyahu, District Jounpur Uttar Pradesh. (Wrongly Mentioned as Chhattisgarh.) Present Address- Near Pathak General Store, New Pond Gudhiyari, P. S. Gudhiyari, Raipur, Tahsil & District Raipur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, Police Station Devendra Nagar, Raipur, District Raipur, Chhattisgarh.

---- Respondent

For Applicant : Mr. Awadh Tripathi, Advocate

For Respondent : Mr. Ashish Shukla, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

10.01.2018

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 in connection with Crime No.96/2014 registered at Police Station- Devendra Nagar, Raipur, District Raipur (C.G.) for the offence punishable under Section 420, 409 of Indian Penal Code and Section 45(2) of Chhattisgarh Value Added Tax Act, 2005.
2. As per the prosecution case, the present applicant who was running M/s. Khushi Traders in a rented premises at Lodhipara, Raipur for the business of some oil and coal had obtained TIN number and despite the sale, he has not deposited the VAT of 39 Lakhs and odd. Thereby, the offence has been committed.

3. Learned counsel for the applicant would submit that the applicant was an employee of Bhanwar Lal Agrawal and he was only working under him and his name was used in the business. He submits that the charge sheet in this case has been filed and referred to the statement of Manoj Kumar Agrawal and submits that under the circumstances 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 and submits that the applicant was owner of M/s. Khushi Traders and he has obtained TIN number and has not paid the VAT more than Rs.93 Lakhs.
5. Perused the voluminous documents and the charge sheet and also perused the statement of Manoj Kumar Agrawal. Considering the statement of Manoj Kumar Agrawal and the fact that all the evidence appears to be documentary in nature, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on furnishing a personal bond for a 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.

Sd/-
(Goutam Bhaduri)
Judge