

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7390 of 2017

- Manoj Agrawal S/o Shri Nemichand Agrawal, Aged About 40 Years, R/o Samta Colony, House No. E / 141, Near Krishna Talkies, Police Station Azad Chowk, Raipur, District Raipur Chhattisgarh. Mob. No. 9893573259 , Chhattisgarh

---- Applicant

Versus

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

---- Non-applicant

For Applicant – Shri Kishore Bhaduri and Shri Dharendra Prasad Mishra, Advocates.

For Non-applicant/State – Shri Anil S. Pandey, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order on Board

16-01-2018

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court by the applicant for regular bail. The applicant has been arrested on 21-07-2017 in connection with Crime No.384/2014 registered at Police Station Civil Line Raipur, District Raipur Chhattisgarh for the offence under Section 420, 409 of the IPC and Section 45(2) of C.G. Value Aided Sales Tax Act.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated. In fact, the applicant had been an employee of M/s. Manoj Trading Company and he was made to sign some documents of sale, because of which, he has been made accused in this case. He has been used by the real owners of the company in registering the firm in his name and he has signed the bills, vouchers etc. in the capacity of employee only. Even if the case of prosecution is taken as it is, then at the most the offence is made under Section 64 of the VAT Act, 2005 which is punishable with maximum imprisonment upto 6 months. The applicant is already in jail since more than 5 months. Hence, it is prayed that the applicant may be granted regular bail.

3. Learned counsel for the State/non-applicant opposes the application and submission made. It is submitted that the applicant is proprietor of Manoj Trading Company and according to the complaint made by the officer of Commercial Tax Department, he is the person registered as proprietor of the firm. Huge loss has been caused to the State exchequer on account of forgery, cheating and tax evasion committed by the applicant. Hence, he is not entitled for grant of bail.

4. Heard learned counsel for the parties and perused the case diary.

5. As the case is, Manoj Trading Company while making commercial transactions in the year 2011-12 has evaded VAT tax of Rs.1,49,47,000/-, thus, caused loss to the State exchequer and for this purpose false bills, vouchers were prepared thus offence of forgery has been committed.

6. Considered on the submissions made and contents of the case diary.

7. Trial against the applicant is likely to take some time, he is local resident of District Raipur, his availability before the trial Court can be ensured, hence, for these reasons, the applicant deserves to be enlarged on bail.

8. Consequently, the application (MCRC No.7390/2017) filed under Section 439 of the Cr.P.C. by the applicant is hereby allowed. It is directed that the 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 Court, for his appearance as and when directed.

9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge