NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C.(A) No. 770 of 2019

Love Kumar Ramteke S/o Shri Sant Kumar Ramteke Aged About 43 Years Caste Mahar, R/o Mamta Nagar, Gali No. 4, Rajnandgaon Police Station City Kotwali Rajnandgaon Tahsil And District - Rajnandgaon Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Police Station Kukdur, District Kabirdham Chhattisgarh.

---- Respondent

For the Applicant : Shri F.S. Khare, Advocate.
For the Respondent/State : Shri Ghanshyam Patel, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

ORDER

26.07.2019

1. Heard on application under Section 438 of the Code of Criminal Procedure, 1973.

2. This is the first bail application filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the applicant who is apprehending arrest in connection with Crime No. 92 of 2017, registered at Police Station – Kukdur, District Kabirdham, Chhattisgarh for the offence punishable under Sections 419, 420, 467, 468 and 471 of the Indian Penal Code.

3. It is submitted by counsel for the applicant that the applicant has been falsely implicated in this case. The applicant is an Income-tax practitioner. The applicant was hired by complainants - Ajay Kumar Haradha and Kartik Singh Saiyyam for filing their Income-tax returns. Under this authority, the

applicant had filed tax returns for these complainants for the year 2013-2014, 2014-2015 and 2015-2016. Some refund was received from the department, for which the applicant was authorized by the complainants to receive the same in his own account. As the complainants did not turn up to collect the amounts of refund, the applicant has redeposited the amount in the permanent account numbers of the assessees regarding which the payment slips are attached alongwith the application which shows that no amount was left with the applicant. Hence, it is prayed that the applicant be benefited with grant of anticipatory bail.

4. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that the complainants have clearly alleged that they had not authorized the applicant to file Income-tax return on their behalf and therefore, the applicant is manipulating the Income-tax ID of the complainants and made use of the same for receiving the amount in his own bank account. Hence, he is not entitled for grant of anticipatory bail.

5. Heard counsel for both the parties and perused the case diary.

6. The complainants have lodged FIR making allegation that the applicant has made use of forged Income-tax ID of the complainants to make withdrawal of the refund from the Income-tax department because of which, the complainants have suffered loss of Rs.60,000/- each. Hence, this case.

7. After perusing the case-diary and the documents filed alongwith the application, it appears that the applicant had filed Income-tax returns for the

complainants up till 2015-2016 and thereafter, no returns were filed. Thereafter, the complainants received notice from the Income-tax department for non-filing of return for the year 2016-2017 and 2017-2018. There is document to show that the applicant has redeposited the refund received by him in the permanent accounts of the complainants. Hence, under these circumstances, I feel inclined to grant anticipatory bail to the applicant.

8. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail by the Officer arresting him on executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. He shall also abide by the following conditions:

'(i) that the applicant shall make himself available for interrogation before the Investigating Officer as and when required;

(ii) that the applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) that the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and

(iv) that the applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.'

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nimmi