

HIGH COURT OF CHHATTISGARH, BILASPURMCRC No. 4673 of 2019

- Shahnawaz Shamnani S/o Late Mohd. Aziz, Aged About 30 Years R/o Aman Apartment, Adarsh Nagar, Durg, Tahsil And District Durg Chhattisgarh., District : Durg, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through District Magistrate, Durg , District Durg Chhattisgarh., District : Durg, Chhattisgarh

---- Non-applicant

For Applicant : Shri Rahim Ubwani, Advocate.

For Non-applicant : Shri D.C. Verma, Dy. Govt. Advocate

For Objector : Shri P.R. Patankar, Advocate

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****30.09.2019**

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and no other bail application is pending before any other Court.
2. Perused the case diary provided by the learned counsel for the State in connection with crime No. 1107/2018 registered at Police Station – Durg Kotwali, District – Durg (C.G.) for the offence punishable under Sections 408, 420, 467, 468, 471 of the Indian Penal Code.
3. Case of the prosecution, in brief is that complainant Smt. Asha Malu is the proprietor of the Reliance Petrol Pump namely V.M. Fuels, Ganjpara Durg. She had appointed the applicant to operate that petrol pump as manager. He was also made responsible for depositing amount on the head of GST, EPF, ESIC etc. In the month of June, 2018 he did not

deposit 4 lakh rupees to the Reliance company for the petrol supplied by that company. It was found that he had not deposited Rs. 2, 90,724/- on the head of GST, EPF, ESIC. Later on he deposited forged challan, T.R.R.N. regarding Rs. 2,90,724/-

4. Learned counsel for the applicant argued that the applicant has no criminal background, he is innocent, he has been falsely implicated in the present case, he further submitted that alleged appointment of key person of applicant has not done by duly authorised letter, he has not given consent of it, there is variation of amount mentioned in the FIR and bank statement, he is in jail since 26.04.2019, prima facie there is no material on record to fasten liability upon applicant, therefore, he may be released on bail.
5. On the other hand, learned counsel for the State opposes the bail application, however, submits that there is no antecedent against the applicant.
6. Looking to the above mentioned facts and circumstances of the case, looking to the materials available on record against applicant, looking to the seriousness of the offence, looking to the impact of granting bail to the applicant on society, the present bail application is rejected.
7. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE