

(2018) 07 CHH CK 0131

Chhattisgarh High Court

Case No: Miscellaneous Criminal Case (MCRC) No. 4161 Of 2018

Lokeshwar alias Lokesh Sahu

APPELLANT

Vs

State Of Chhattisgarh

RESPONDENT

Date of Decision: July 2, 2018

Acts Referred:

- Indian Penal Code, 1860 - Section 201, 420, 467, 468
- Code Of Criminal Procedure, 1973 - Section 439

Hon'ble Judges: Pritinker Diwaker, J

Bench: Single Bench

Advocate: Sunil Sahu, Rahul Tamaskar

Final Decision: Allowed

Judgement

Pritinker Diwaker, J

1. This application under Section 439 of the Code of Criminal Procedure has been filed by the applicant who is in custody in connection with Crime

No. 73/2018 registered at Police Station Bhakhara, District Dhamtari for commission of the offences punishable under Sections 420, 467, 468 and 201

IPC.

2. Case of the prosecution in short is that the applicant is the proprietor of a photocopy and mobile shop where he also used to get PAN card prepared

through on-line process. Case of the prosecution is that PAN card was prepared in the name of complainant Dharmendra Sahu showing the PAN of

Guhari Prasad. Certain bills were submitted by Dharmendra Sahu showing the PAN which originally belongs to Guhari Prasad as a result of which

TDS of of Rs. 2,667/- was deposited in the account of Guhari Prasad. Main allegation against the applicant herein is for preparing the forged PAN in the name of Guhari Prasad.

3. Counsel for the applicant submits that the applicant has nothing with the preparation of forged PAN card where an amount of Rs. 2,667/- has been credited in the account of Guhari Prasad. It is argued that it can merely be a technical mistake where in the PAN card of Dharmendra Sahu number of Guhari Prasad has been shown. He submits that the applicant is in jail since 11.4.2018, that the offences are triable by Magistrate and therefore he may be released on bail.

3. State counsel however opposes the application for bail.

4. Considering the facts and circumstances of the case, the fact that the offences are triable by Magistrate and that the applicant is in jail since 11.4.2018, this Court is of the opinion that it is a fit case to release him on bail. Accordingly, the application is allowed and the applicant is directed to be released on bail on his furnishing a bond in the sum of Rs. 1,00,000/- (One Lakh) with one surety for the like sum to the satisfaction of the concerned Court for his appearance before that Court as and when directed.