

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3750 of 2015**

Jyoti Tiwari, Daughter of Dinesh Kumar Tiwari, aged about 25 years, resident of 142/A, Sunder Vihar Colony, Kurud Road, Bhilai, Tahsil and District – Durg (C.G.)

---- Applicant

Versus

State Of Chhattisgarh Through: Station House Officer, Police Station – Dongargaon, District – Rajnandgaon (C.G.)

---- Non-applicant

MCRC No. 3751 of 2015

Jyoti Tiwari, Daughter of Dinesh Kumar Tiwari, aged about 25 years, resident of 142/A, Sunder Vihar Colony, Kurud Road, Bhilai, Tahsil and District – Durg (C.G.)

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station – Ambagarh Chowki, District-Rajnandgaon (C.G.)

---- Non-applicant

And**MCRC No. 3752 of 2015**

Jyoti Tiwari, Daughter of Dinesh Kumar Tiwari, aged about 25 years, resident of 142/A, Sunder Vihar Colony, Kurud Road, Bhilai, Tahsil and District – Durg (C.G.)

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station – Dongargaon, District – Rajnandgaon (C.G.)

---- Non-applicant

For Applicant: Mr. Vivek Sharma, Advocate.
For Respondent/State: Mr. Neeraj Jain, Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

05/08/2015

Heard.

(1) The above mentioned all the bail applications are filed under Section 439 of the Code of Criminal Procedure by one and only applicant namely Jyoti Tiwari, therefore, they are heard analogously and decided by this common order.

(2) The accused/applicant has moved these bail applications under Section 439 of the Code of Criminal Procedure for releasing her on regular bail during trial in connection with Crime Nos. 251/2014, 240/2014 & 252/2014 registered at Police Station Dongargarh, District Rajnandgaon for the offence punishable under Section 420/34 of the Indian Penal Code.

(3) Case of the prosecution, in brief, is that Jan Manch Welfare Trust, Mumbai (henceforth 'the Trust') floated scheme i.e. free computer education to the children through computer institutions and received Rs. 17,500/- from each of the Centers/Computer Institutions in shape of registration fee and franchisee fee, and promised that in turn computer centers will get Rs. 1,00,000/- per year. It is further case of the prosecution that applicant, being the State Coordinator of the said Trust, after accepting the

registration fee and franchise fee, has not given the said amount to the proprietor of the Computer Centre and thereby applicant being the State Coordinator of the said Trust along with other co-accused persons cheated the complainants.

(4) Counsel for the applicant would submit that the Shri Ramsingh is the President of Janmanch Welfare Trust, who have appointed the applicant on the post of State Coordinator of the said Trust in the salary of Rs. 18,000/- per month and Subhash Jha & Tej Bahadur are the National Coordinator of the said Trust & Pankaj Mishra is the District Coordinator of the said Trust. He would further submit that infact the entire amount has been collected by Pankaj Mishra, District Coordinator and the same has been sent to the President of the said Trust namely Ram Singh, Subhash Jha & Tej Bahadur and the present applicant has neither received any amount but it has been sent to the Ram Singh, Subhash Jha & Tej Bahadur by the District Co-ordinator as they are the President/National Co-ordinator of the said Trust and the present applicant was the salaried employee of the said Trust and she had already resigned the said Trust on 16.01.2013 as no salary was paid to her and she being the unmarried girl, has been falsely implicated in the offence in question as she has not received any amount from the complainants; and she is in custody since 27.06.2015; and the charge sheet is yet to be filed but substantial investigation has already been made and, therefore, the applicant may be released on bail.

(5) On the other hand, counsel for the State submits that though the amount in question has been recovered by Pankaj Mishra & Rohit Kumar and it has been retained either by Pankaj

Mishra or sent to Ram Singh, Subhash Jha & Tej Bahadur but the applicant, being the State Co-ordinator of the said Trust, is also responsible for the said forged transaction and, therefore, she is not entitled to be released on bail.

(6) Taking into consideration the facts & circumstances of the case; further considering the fact that present applicant was appointed as State Co-ordinator, who is said to have been resigned the services on 16.01.2013 and considering the defence of the present applicant that she has not received any amount; and it has been said to be received by Pankaj Mishra and said to have been sent to the Ram Singh, Subhash Jha & Tej Bahadur, who are the President/National Coordinators of the said Trust; and the fact that applicant is in jail since 27.06.2015 and being unmarried girl; and substantial investigation has already been made; this Court is of the view that it is a fit case to release the applicant on bail. Accordingly, the bail application is allowed.

(7) Accused/applicant – Jyoti Tiwari is directed to be released on bail on her executing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. She is directed to appear before the trial Court on each and every date given to her by the said Court till disposal of the trial.

Certified copy, as per rules.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-

