

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 791 of 2015

1. Uttam Pandey S/o Bharatlal Pandey Aged About 42 Years R/o Caste - Bramhan, R/o Village - Dammani Colony, Nawapara, Tahsil - Abhanpur, P.S. - Abhanpur, Civil & Reveue Distt. Raipur Chhattisgar
2. Neha Pandey W/o Uttam Pandey Aged About 36 Years R/o Caste - Bramhan, R/o Village - Dammani Colony, Nawapara, Tahsil - Abhanpur, P.S. - Abhanpur, Civil & Reveue Distt. Raipur Chhattisgar
3. Padum Pandey S/o Uttam Pandey Aged About 18 Years R/o Caste - Bramhan, R/o Village - Dammani Colony, Nawapara, Tahsil - Abhanpur, P.S. - Abhanpur, Civil & Reveue Distt. Raipur Chhattisgar

---- Applicants

Versus

State Of Chhattisgarh Through The S.H.O. P.S. Gobra Nawapara, Distt. Raipur Chhattisgarh

---- Respondent

Shri Sanjeev Banjare, counsel for the applicant/s.
Shri Ashok Swarnakar, counsel for the State.

Order On Board

26/08/2015

At the outset, it is submitted by the State counsel that during the pendency of this application, applicant No.1 has been arrested.

Accordingly, the application of applicant No.1 – **Uttam Pandey** is dismissed as having been rendered infructuous.

2. The applicants – **Neha Pandey** and **Padum Pandey** are apprehending their arrest in connection with Crime No.242/15 registered at police station – Gobra, Nawapara, Distt. - Raipur, CG for alleged commission of offence under Section 420, 389, 505, 506, 294/34 of IPC.

3. Prosecution case is that the co-accused Uttam Pandey fraudulently collected more than Rs.22 lakhs from the complainant – Keshav Sonkar assuring to arrange for him huge quantity of gold and silver by certain rituals. Later on, the co-accused refused to repay the whole amount and threatened the complainant of dire

consequences by putting him in fear of being subjected to naxalite activities.

4. Learned counsel for the applicants submits that even according to the statement of the complainant, the entire allegation of giving false assurance and collecting money is on the co-accused who has already been arrested. It is submitted that present applicants are wife and son of the co-accused and no specific overt act of fraud, misrepresentation or collection of money diverted thereof is alleged against the present applicants.

5. On the other hand, learned State counsel submits that the fact that the applicants are the beneficiaries of the fraud committed, who happens to be the wife and son of the co-accused, involvement of the present applicants is also there.

6. Taking into consideration the submission of learned counsel for the parties, particularly considering that even according to the complainant, prima facie, the main allegations are against the co-accused, who has already been arrested and the applicants are involved mainly because they happen to be relatives of the co-accused, I am inclined to grant bail to the applicants.

7. Accordingly, the application is allowed. It is directed that in the event of arrest of the applicants - **Neha Pandey** and **Padum Pandey** in connection with the aforesaid offence, they shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- along with one surety for the like amount to the satisfaction of the arresting officer and the applicants shall abide by all the following terms and conditions -

- (i) that the applicants shall make themselves available for interrogation by a Police Officer as and when required;
- (ii) that they 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 them from disclosing such facts to the Court or to any Police Officer.
- (iii) that they shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-

Manindra Mohan Shrivastava
Judge