

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No.953 of 2015**

Lileshwer Tiwari S/o Shree Narad Prasad Tiwari, Aged About 30 Years R/o
Ward No. 21, Santosh Nagar, Beergaon, P. S. - Urla, Raipur, District
(Revenue & Civil) - Raipur (C. G.)

---- **Petitioner****Versus**

State Of Chhattisgarh Through Station House Officer, Police Station - Gobara
Nawapara, District - Raipur (C. G.)

---- **Respondent**

For Petitioner	:	Shri Yogesh Pandey, Advocate
For Respondent/State	:	Shri Satish Gupta, Govt. Advocate

Order On Board**28/09/2015**

The applicant is apprehending his arrest in connection with Crime No.242/15 registered at police station–Gobra, Nawapxara, Distt.-Raipur, CG for alleged commission of offence under Section 420, 389, 505, 506, 294/34 of IPC.

2. 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.

3. Learned counsel for the applicant 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 applicant is brother-in-law of the co-accused and no specific overt act of fraud, mis-representation or collection of money diverted thereof is alleged against the present applicant.

4. On the other hand, learned State counsel submits that the fact that the applicant is the beneficiary of the fraud committed, who happens to be the brother-in-law of the co-accused, involvement of the present applicant is also there.

5. 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 applicant is involved mainly because he happens to be relative of the co-accused, I am inclined to grant bail to the applicant.

6. Accordingly, the application is allowed. It is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail on 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 applicant shall abide by all the following terms and conditions -

- (i) that the applicant shall make himself available for interrogation by a Police Officer as and when required;
- (ii) that he 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 he shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
Manindra Mohan Shrivastava
Judge