

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1026 of 2017

Alok Tiwari S/o Shiv Kumar Tiwari Aged About 28 Years
R/o Village Deori, Post Kathakoni, Police Station
Takhatpur, Tahsil Takhatpur, District Bilaspur
Chhattisgarh. **--- Petitioner**

Versus

State of Chhattisgarh through Station House Officer,
Police Station Sarkanda, District Bilaspur Chhattisgarh
--- Respondent

For the applicant : Mr. Prashant Gupta, , Advocate.

For the State : Mr. Suryakant Mishra, Panel Lawyer

For the objector : Mr. U.K.S. Chandel, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

15.12.2017

1. Apprehending arrest in connection with Crime No. 640/2017 registered at Police Station Sarkanda, Bilaspur (C.G) for the offences punishable under section 420 of IPC, the applicant has filed this application u/s 438 of the Code of Criminal Procedure.
2. As per the prosecution case, a report was made by one Ankita Kesarwani that the present applicant who was working in HDFC allured the complainant to invest the money so that she can get the inflated amount by purchasing the house of a defaulter of Bank and from time to time different amounts to the tune of Rs.7 lakhs was given and two instalments of Rs.3 lakhs were returned and thereafter again the amount of Rs.5 lakhs

was given. Thereafter a cheque was given which was bounced since the account was closed.

3. Learned counsel for the applicant submits that the entire transaction is of civil nature and it is an interse relation of monetary transaction of loan, therefore, the applicant may be enlarged on bail.
4. Per contra, learned State Counsel opposes the prayer.
5. Perused the case diary. It appears that investigation is still going on. The case diary also contains some cheques. Taking into the nature of allegations, I am not inclined to extend the benefit of section 438 of Cr.P.C. Accordingly, this application is rejected.

Sd/-

**GOUTAM BHADURI
JUDGE**