

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 144 of 2017

Rajesh Tiwari, S/o. Late Parmanand Tiwari, Aged About 41 Years,
Occupation- Service, S.E.C.L., R/o. R.T.I. Colony, Vishrampur, Police
Station- Vishrampur, District- Surajpur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through- The Station House Officer, Police Station-
Vishrampur, District- Surajpur, Chhattisgarh.

---- Respondent

For Applicant : Mr. Ashok Kumar Shukla, Advocate

For Respondent : Mr. Sangharsh Pandey, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

25/01/2017

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.97/2012 registered at Police Station- Vishrampur, District Surajpur (C.G.) for the offence punishable under Section 420, 467, 468, 120-B & 471 of Indian Penal Code.
2. As per the prosecution case, a report was made that the applicant in order to get his mother Indrawati Tiwari treated as Cancer patient in Tata Memorial Hospital get an estimated amount and the Draft of Rs.4,50,000/- was deposited in Tata Memorial Hospital. Subsequently, on the basis of letter of Manav Kalyan Sewa Samiti got the amount refunded to the Samiti on the ground that the mother has died. Tata Memorial Hospital returned the amount to Manav Kalyan Sewa Samiti and the applicant alongwith one

Nandram got the amount and distributed the same amongst them.
Thereby, the offence has been committed.

3. Learned counsel for the applicant would submit that the entire allegations are completely false. The money was given to Tata Memorial Hospital by an Account Payee Demand Draft and it was also acknowledged to the S.E.C.L. Therefore, Manav Kalyan Sewa Samiti do not come into picture and the applicant has not received any amount and the entire amount was returned to Manav Kalyan Sewa Samiti, therefore, the applicant has not committed any offence. He further submits that the charge sheet has been filed and no further investigation is necessary, therefore, the applicant may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary and the documents. Considering the fact that the applicant is an employee of S.E.C.L., the charge sheet has been filed, the evidence appears to be documentary in nature and the applicant is in jail since 04.11.2016, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd/-
(Goutam Bhaduri)
Judge