

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 4381 of 2018**

Bhawani Shanker Tiwari, S/o Neelkanth Tiwari, Aged about 34 years, Resident of Kalimai Ward, Near Old Water Tank, Pandriya Road, Mungeli, Tahsil and District – Mungeli (C.G.) (Presently residing at Kalimai Ward)

---- Applicant

Versus

Union of India, Through – Superintendent of Police, Central Bureau of Investigation- Bhilai, ACB, District – Durg, Chhattisgarh

---- Respondent

M.Cr.C. No. 4385 of 2018

Bhawani Shanker Tiwari, S/o Neelkanth Tiwari, Aged about 34 years, Resident of Kalimai Ward, Near Old Water Tank, Pandriya Road, Mungeli, Tahsil and District – Mungeli (C.G.) (Presently residing at Kalimai Ward)

---- Applicant

Versus

Union of India, Through – Superintendent of Police, Central Bureau of Investigation- Bhilai, ACB, District – Durg, Chhattisgarh

---- Respondent

M.Cr.C. No. 4386 of 2018

Bhawani Shanker Tiwari, S/o Neelkanth Tiwari, Aged about 34 years, Resident of Kalimai Ward, Near Old Water Tank, Pandriya Road, Mungeli, Tahsil and District – Mungeli (C.G.) (Presently residing at Kalimai Ward)

---- Applicant

Versus

Union of India, Through – Superintendent of Police, Central Bureau of Investigation- Bhilai, ACB, District – Durg, Chhattisgarh

---- Respondent

M.Cr.C. No. 4387 of 2018

Bhawani Shanker Tiwari, S/o Neelkanth Tiwari, Aged about 34 years, Resident

of Kalimai Ward, Near Old Water Tank, Pandriya Road, Mungeli, Tahsil and District – Mungeli (C.G.) (Presently residing at Kalimai Ward)

---- Applicant

Versus

Union of India, Through – Superintendent of Police, Central Bureau of Investigation- Bhilai, ACB, District – Durg, Chhattisgarh

---- Respondent

M.Cr.C. No. 4392 of 2018

Bhawani Shanker Tiwari, S/o Neelkanth Tiwari, Aged about 34 years, Resident of Kalimai Ward, Near Old Water Tank, Pandriya Road, Mungeli, Tahsil and District – Mungeli (C.G.) (Presently residing at Kalimai Ward)

---- Applicant

Versus

Union of India, Through – Superintendent of Police, Central Bureau of Investigation- Bhilai, ACB, District – Durg, Chhattisgarh

---- Respondent

M.Cr.C. No. 4400 of 2018

Bhawani Shanker Tiwari, S/o Neelkanth Tiwari, Aged about 34 years, Resident of Kalimai Ward, Near Old Water Tank, Pandriya Road, Mungeli, Tahsil and District – Mungeli (C.G.) (Presently residing at Kalimai Ward)

---- Applicant

Versus

Union of India, Through – Superintendent of Police, Central Bureau of Investigation- Bhilai, ACB, District – Durg, Chhattisgarh

---- Respondent

M.Cr.C. No. 4401 of 2018

Bhawani Shanker Tiwari, S/o Neelkanth Tiwari, Aged about 34 years, Resident of Kalimai Ward, Near Old Water Tank, Pandriya Road, Mungeli, Tahsil and District – Mungeli (C.G.) (Presently residing at Kalimai Ward)

---- Applicant

Versus

Union of India, Through – Superintendent of Police, Central Bureau of Investigation- Bhilai, ACB, District – Durg, Chhattisgarh

---- Respondent

M.Cr.C. No. 4402 of 2018

Bhawani Shanker Tiwari, S/o Neelkanth Tiwari, Aged about 34 years, Resident of Kalimai Ward, Near Old Water Tank, Pandriya Road, Mungeli, Tahsil and District – Mungeli (C.G.) (Presently residing at Kalimai Ward)

---- Applicant

Versus

Union of India, Through – Superintendent of Police, Central Bureau of Investigation- Bhilai, ACB, District – Durg, Chhattisgarh

---- Respondent

M.Cr.C. No. 4382 of 2018

Bhawani Shanker Tiwari, S/o Neelkanth Tiwari, Aged about 34 years, Resident of Kalimai Ward, Near Old Water Tank, Pandriya Road, Mungeli, Tahsil and District – Mungeli (C.G.) (Presently residing at Kalimai Ward)

---- Applicant

Versus

Union of India, Through – Superintendent of Police, Central Bureau of Investigation- Bhilai, ACB, District – Durg, Chhattisgarh

---- Respondent

M.Cr.C. No. 4383 of 2018

Bhawani Shanker Tiwari, S/o Neelkanth Tiwari, Aged about 34 years, Resident of Kalimai Ward, Near Old Water Tank, Pandriya Road, Mungeli, Tahsil and District – Mungeli (C.G.) (Presently residing at Kalimai Ward)

---- Applicant

Versus

Union of India, Through – Superintendent of Police, Central Bureau of Investigation- Bhilai, ACB, District – Durg, Chhattisgarh

---- Respondent

M.Cr.C. No. 4384 of 2018

Bhawani Shanker Tiwari, S/o Neelkanth Tiwari, Aged about 34 years, Resident of Kalimai Ward, Near Old Water Tank, Pandriya Road, Mungeli, Tahsil and District – Mungeli (C.G.) (Presently residing at Kalimai Ward)

---- Applicant

Versus

Union of India, Through – Superintendent of Police, Central Bureau of Investigation- Bhilai, ACB, District – Durg, Chhattisgarh

---- Respondent

For Applicant : Mr. Jitendra Gupta, Advocate.
For Respondent/CBI : Mr. Kishore Bhaduri, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****16/07/2018**

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 Bhawani Shanker Tiwari, therefore, they are heard analogously and decided by this common order.
2. These are the first bail applications of the applicant filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to him, who has been arrested by the Police Station Central Bureau of Investigation, ACB, District Bhilai, Chhattisgarh for the offences punishable under Sections 109, 420, 467, 468 and 471 of the Indian Penal Code and Section 13(2) read with Section 13(1)(d) of the Prevention of Corruption Act, 1988 in the following crime numbers:

S.No.	Case Number	Crime Number
1.	M.Cr.C. No. 4381 of 2018	RC1242015A0004 of I/2017.

2.	M.Cr.C. No. 4385 of 2018	RC1242015A0004 of B/2017
3.	M.Cr.C. No. 4386 of 2018	RC1242015A0004 of G/2017
4.	M.Cr.C. No. 4387 of 2018	RC1242015A0004 /2017
5.	M.Cr.C. No. 4392 of 2018	RC1242015A0004 of F/2017
6.	M.Cr.C. No. 4400 of 2018	RC1242015A0004 of J/2017
7.	M.Cr.C. No. 4401 of 2018	RC1242015A0004 of L/2017
8.	M.Cr.C. No. 4402 of 2018	RC1242015A0004 of K/2017
9.	M.Cr.C. No. 4382 of 2018	RC1242015A0004 of E/2017
10.	M.Cr.C. No. 4383 of 2018	RC1242015A0004 of C/2017
11.	M.Cr.C. No. 4384 of 2018	RC1242015A0004 of D/2017

3. It is alleged that accused – Bhawani Shankar Tiwari, the son of Smt. Uma Tiwari, who is an agent in LIC filed applications for grant of loan on policies of the policy holders without their knowledge or consent by affixing forged signatures of the said policy holders. As the loan applications so filed fraudulently with forged signatures, received approval at every stage by the applicants who held the position of authority to approve the same. Thus, 23 insurance policies were made use for sanction of fake loans and the amount of loan was withdrawn and received by Bhawani Shankar Tiwari, son of actual agent Smt. Uma Tiwari without any hindrance. Subsequently, the same policies were also surrendered by similar use of forged signatures and also where the original policies were not available, the duplicate policies were issued by the LIC office at Mungeli to Bhawani Shankar Tiwari. The maturity amount received was adjusted with other dues of the policy holders. Thus, the officers and staff of LIC of India at Mungeli station committed irregularities willfully

and caused wrongful loss to the LIC of India to the tune of Rs.23,67,043/-. After lodging of FIR, the case has been investigated and the charge-sheet has been filed, which is pending for trial before the concerned Court.

4. Learned counsel appearing for the applicant would submit that the applicant is innocent person and he has falsely been implicated in the crime in question. He would further submit that co-accused persons have already been granted regular bail by the coordinate bench of this Court vide order dated 25.04.2018 passed in M.Cr.C. No. 690 of 2018 and other connected matters, and, therefore, the present applicant may also be entitled for grant of bail on the ground of parity.

5. On the other hand, learned counsel for the respondent – Union of India, after verifying the records, would submit that present case is similar to that of accused persons , who have already been granted regular bail by the coordinate bench of this Court vide order dated 25.04.2018 passed in M.Cr.C. No. 690 of 2018 & other connected matters.

6. I have heard learned counsel appearing for the parties and perused the case diary with utmost circumspection.

7. In the bail applications filed by other co-accused persons, the coordinate bench of this Court in the matter of **Ramesh Kumar Dewangan Vs. Union of India** and other connected matters decided on 25.04.2018 has held as under:-

“9. After perusal of the case-diary, it appears that the main accused in this case is Bhawani Shankar Tiwari, but there is *prima facie* evidence of involvement of all these applicants in allowing the bogus applications for loan and facilitating the issuance of duplicate policies for that purpose and also for

disbursing the amounts. Hence, for these reasons, a *prima facie* case is made out against all the applicants, but of course, it is a fact that the trial is likely to take considerable time for its conclusion.

10. Considering the fact that all the applicants are employed in the LIC of India and there is no likelihood of their absconson during the pendency of the trial against them and presently, after completion of investigation the further detention of the applicants as under-trial prisoners would not serve any purpose, hence, I feel inclined to grant regular bail to the applicants in all the cases.”

8. In view of the aforesaid facts and looking to the detention period of the applicant; role of the applicant in the crime in question; and co-accused persons have already been granted regular bail by the coordinate bench of this Court and the trial is likely to take some time for its final conclusion and the fact that; this court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.

9. Accused/applicant – **Bhawani Shankar Tiwari** is directed to be released on bail in all cases on his 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 in respect of each crime. He is directed to 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/-

(Sanjay K. Agrawal)
Judge

D/-

