

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 928 of 2018

- Dr. Kabeer Dwivedi S/o Late Shri Arun Kumar Dwivedi Aged About 47 Years R/o Behind Santoshi Mandir, Shyam Nagar Raipur Police Station Telibandha, Tahsil And Distt. Raipur Chhattisgarh, District : Raipur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Telibandha, Distt. Raipur Chhattisgarh, District : Raipur, Chhattisgarh

---- Respondent

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MCRC No. 4750 of 2018

- Vijay Tiwari S/o K.P. Tiwari Aged About 49 Years R/o- V.I.P. Estate, Khamhardih, Raipur, District- Raipur, Chhattisgarh. The Then President Grih Nirman Sakhari Samiti, (At Present Dissolved By The Collector Raipur), District : Raipur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- The Police Station Telibandha, Raipur, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Respondent

For Applicants	:	Mr. Ali Asgar, Advocate in MCRCA No.928/2018.
		Mr. S.C. Verma, Advocate in MCRC No.4750/2018.
For Respondent/ State	:	Mr. Anil S. Pandey, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

02/07/2018

1. Since the above bail applications are similar in nature and arise out of the same chain of incidents, they are being heard and decided together by this common order.
2. Applicant Dr. Kabeer Dwivedi has filed M.Cr.C(A) Nos.928/2018 seeking anticipatory bail as he apprehends his arrest in connection with Crime No.242/2018 registered at Police Station-Telibandha, District-Raipur for the offence punishable under Sections 420, 506, 34 Indian Penal Code (for short 'IPC').
3. Applicant Vijay Tiwari has filed M.Cr.C. No.4750/2018 seeking regular bail as he has been arrested in connection with Crime No.242/2018 registered at Police Station-Ramkola, District-Surajpur for the offence punishable under Sections 420, 467, 468, 471, 506, 34 of the Indian Penal Code (for short 'IPC').
4. Learned counsel for applicants submitted that applicants have been falsely implicated in this case. It is a matter of civil dispute regarding transaction of land. Co-accused Utpal Bhattacharya has been granted regular bail by this Court vide order dated 28.6.2018 passed in MCRC No.4024 of 2018. Both these applicants stand on better footing than co-accused who has been released on bail. Hence, it is prayed that they may be released on regular/anticipatory bail.
5. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that all the applicants are equally engaged in the commission of the alleged offences, hence, they are not entitled for grant of bail regular/anticipatory.

6. Heard both the parties and perused the case diary.
7. The case against this applicant is this, that complainant Kanchan Banerjee purchased a plot in the year 2013 from Shri Grih Nirman Sahkari Samiti Maryadit Raipur with the help of broker Utpal Bhattacharya. Applicant Vijay Tiwari in MCRC No.4750/2018 was the Chairman of said Samiti. As the complainant could not get her name mutated in the land records due to objection raised by applicant Vijay Tiwari, she met with applicant Vijay Tiwari and at that point of time she was threatened by applicant Dr. Kabeer Dwivedi on gun point. Hence, FIR has been lodged.
8. Considered on the material present in the case diary.
9. Taking into consideration the fact that co-accused has been granted regular bail by this Court and both the applicants do not have any criminal antecedent, I am of this view that this is a fit case where the respective application filed by the applicant is deserve to be allowed.
10. Accordingly, the anticipatory bail application filed on behalf of applicant Dr. Kabeer Dwivedi is allowed and it is directed that in the event of his arrest in connection with the aforesaid offences, he shall be released on bail by the officer arresting him 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 concerned Investigating Officer. The applicant shall also abide by the following conditions :-
 - (i) that the applicant shall make themselves available for interrogation before the investigating officer as and when required;
 - (ii) that the applicant 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 him/her from disclosing such facts to the Court or to any police officer;

(iii) that the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and

(iv) that the applicant shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

11. Bail application filed on behalf of applicant Vijay Tiwari i.e. M.Cr.C. No.4750/2018 is allowed. It is directed that the applicant shall be released on bail on his 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/-

(Rajendra Chandra Singh Samant)
Judge