

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6200 of 2019

- Alok Tiwari S/o Shivkumar Tiwari Aged About 25 Years R/o Village Devri, Post Kathakoni, Police Station Sakri, District Bilaspur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Sarkanda, Bilaspur, District Bilaspur, Chhattisgarh.,

---- Respondent

For Applicant	: Shri Anish Tiwari, Advocate
For Respondent/State	: Shri Anil Tripathi, PL
For Objectors	: Shri Neeraj Choubey and Shri Vivek Kumar Agrawal, Advocates

Hon'ble Smt. Justice Rajani Dubey

Order On Board

29/11/2019

The applicant has filed this application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is in custody in connection with Crime No.640/2017 registered at police station Sarkanda, Bilaspur district Bilaspur (CG) for the offence punishable under Section 420 IPC.

Case of the prosecution in brief is that a report was lodged by the complainant alleging that the applicant after entering into agreement, has cheated and thereby dishonestly induced her to pay Rs. 5,00,000/- on the pretext that he will repay the said amount with profit. However, after returning certain amount, the cheques when

presented before the Bank, were bounced as the account was closed. On the basis of above, report was lodged against the applicant.

Counsel for the applicant submits that the applicant has been falsely implicated in the crime. He submits that the applicant is in jail since 12.08.19; the charge sheet has been filed and looking to the conduct of the prosecution, it is clear that the trial will take time for its conclusion and therefore he may be released on bail.

On the other hand counsel for the State opposes the bail application.

Having heard counsel for the parties, considered the totality of the fact, taking into account the nature and gravity of offence and the plea raised by the applicant that he has been falsely implicated, I am inclined to release him on regular bail. Accordingly, his application filed under Section 439 of the Code of Criminal Procedure is allowed.

It is directed that on furnishing a personal bond in the sum of Rs. 1,00,000/- with two sureties, which includes one local surety) in like sum to the satisfaction of the concerned court for his appearance as and when directed, the applicant shall be released on bail, subject to the following conditions:

- (i) That, the applicant shall furnish a specific undertaking that while on bail, he will not commit any offence of the like nature, otherwise bail granted to him shall be liable to be cancelled and shall co-operate the prosecution during trial.
- (ii) That the applicant shall make himself available for interrogation before the concerned investigating officer as and when required and shall not, directly or indirectly allure or make any inducement, threat or promise to the prosecution witnesses, so as to dissuade them from

disclosing truth before the Court;

(iii) That the applicant shall not commit any offence or involve in any criminal activity;

(iv) That the accused/applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial.

(v) In case of his involvement in any other criminal activity or breach of any other aforesaid conditions, the bail granted in this case may also be cancelled.

Certified copy as per rules.

Sd/-
(Rajani Dubey)
Judge