CGHC010394342026

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 9607 of 2026

Kishan Tiwari S/o Shri Sachidanand Tiwari Aged About 28 Years R/o Sanjay Park Colony, Police Station Ambikapur, District Sarguja Chhattisgarh

... Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Ambikapur, District Surguja Chhattisgarh

... Respondent(s)

For Applicant	:	Mr. Aditya Bhardwaj, Advocate
For Non-Applicant	:	Mr. Kawaljeet Singh Saini, Dy. G.A.

Hon'ble Shri Justice Rakesh Mohan Pandey

Order on Board

29.10.2026

1. This is the First bail application filed under Section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to the applicant who has been arrested in connection with Crime No. 641/2026 registered at Police Station : Ambikapur, District : Sarguja (C.G.) for the offence punishable under Sections 318 (4) and 3 (5) of BNS.

2. Case of prosecution, in brief, is that on 13.09.2026 complainant

Ramnath Yadav submitted a complaint before the Inspector General of Police, Surguja Range, alleging cheating and fraud by the accused persons. Pursuant to which, on an inquiry, it was revealed that the complainant and the accused were acquainted with each other. Complainant had executed a registered agreement dated 10.10.2025 before the Sub- Registrar, Ambikapur, for the sale of his land situated at village Chikhaladih, Tehsil Ambikapur, District Surguja, in favour of Raju Devi, wife of Ratan Chaudhary. The transaction was allegedly settled for ₹50 lakh. It was further alleged that, on 03.12.2025, the accused persons got the complainant intoxicated and induced him to execute a registered sale deed in the name of Dukhu Khamari. In connection with the transaction, a cheque for ₹18 lakh was issued, which was encashed, and the said amount was subsequently transferred to the complainant's bank account. Thereafter, the accused persons allegedly threatened the complainant by stating that, since the property had been registered in their names, he would be arrested and sent to jail. Taking advantage of his fear, they allegedly obtained ₹9 lakh in cash from him on the pretext of paying police personnel, ₹5 lakh on the pretext of paying the Collector's clerk, and a further ₹4 lakh by claiming that the amount was payable to the Sub-Registrar. They also threatened him with dire consequences if he disclosed the incident to anyone. The complainant, being an elderly person, was allegedly deceived and deprived of the amounts through

these acts. Upon completion of the preliminary inquiry, a prima facie case of cheating was found against applicant, Kishan Tiwari and co-accused Aniket Chaudhary. Based on which aforementioned crime was registered, and the matter was taken up for investigation.

3. Learned counsel for the applicant, submits that the applicant is innocent and has been falsely implicated in the present case. It is submitted that the dispute primarily arises out of a land transaction pursuant to a registered agreement dated 10.10.2025 and a subsequent registered sale deed dated 03.12.2025. The complainant himself acknowledges the execution of the registered documents and the receipt of ₹18 lakh through a cheque, which was duly encashed and transferred to his bank account. It is further submitted that the allegations regarding the alleged payment of ₹9 lakh, ₹5 lakh and ₹4 lakh are yet to be established by cogent and reliable evidence. Learned counsel further submits that the co-accused, Islam Ansari, has already been granted anticipatory bail by this Hon’ble Court vide order dated 27.10.2026 in MCRCA No. 1660 of 2026. It is, therefore, contended that the applicant is also entitled to the benefit of parity, subject to the facts and circumstances of the case and the nature of the allegations attributed to him. The applicant undertakes to cooperate with the investigation and to abide by any condition imposed by this Hon’ble Court. Hence, it is prayed that the applicant may kindly be enlarged on bail.

4. Learned counsel for the State opposes the bail application and submits that the allegations against the applicant are serious in nature. It is alleged that the applicant, in connivance with the co-accused, cheated the complainant, an elderly person, by inducing him to execute a registered sale deed after allegedly getting him intoxicated and thereafter obtaining substantial amounts from him on false pretexts. It is further submitted that the matter requires proper investigation to ascertain the specific role of the applicant in the alleged offence and to verify the financial transactions in question. So far as the grant of anticipatory bail to co-accused Islam Ansari vide order dated 27.10.2026 in MCRCA No. 1660 of 2026 is concerned, learned counsel for the State submits that the case of the present applicant is required to be considered on its own merits, having regard to the specific allegations and the material collected during the investigation. Therefore, considering the nature of the allegations and the requirement of a fair and effective investigation, learned counsel for the State prays for rejection of the bail application.

5. I have heard learned counsel appearing for the parties and perused the case diary.

6. Having heard learned counsel for the parties and having regard to the facts and circumstances of the case, the nature of the allegations, the material available on record and the fact that the co-accused, Islam Ansari, has been granted anticipatory bail by this Court vide order dated 27.10.2026 in MCRCA No. 1660 of

2026, this Court is of the considered opinion that the applicant deserves to be enlarged on bail.

7. It is directed that in the event of the applicant executing a personal bond for a sum of **Rs. 50,000/-** to the satisfaction of the concerned trial Court, he shall be released on bail on the following conditions:-

(a) he shall make himself available for interrogation by the police officer as and when required;

(b)he 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 from disclosing such fact to the Court; and

(c) he shall not act in any manner which will be prejudicial to a fair and expeditious trial.

The observation made hereinabove is for the purpose of deciding this bail application only, the learned trial Court shall decide the case on its own merits. Sd/-

(Rakesh Mohan Pandey)
JUDGE

Saurabh