

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**(Proceedings through Video Conferencing)**

**MCRC No. 5002 of 2021**

- Wahim Ahmed @ Fahim, S/o Jahur Ahmed, Aged About 44 Years, R/o K.Z. No. 27, First Cross 5th Main Rode, Rahmat Nagar, Bengaluru, Uttar Karnatk 530073. ---- **Applicant**

**Versus**

- State of Chhattisgarh, Through- Police Station Kotwali - Ambikapur, District- Surguja, Chhattisgarh. ---- **Non-Applicant**

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For Applicant : Mr. A.K. Prasad, Advocate

For Non-Applicant/State : Dr. (Ms.) Veena Nair, Dy. A.G.

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**Hon'ble Shri Justice Gautam Chourdiya**

**Order on Board**

**05.08.2021**

- 1) The applicant has preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as he is in jail since 09.04.2021 in connection with Crime No. 905/2020 registered at Police Station- Kotwali- Ambikapur, District- Surguja (C.G.) for the offence punishable under Section 420/34.
- 2) Case of the prosecution, in brief, is that the present applicant alongwith other co-accused person cheated the complainant namely Ramkrishna Pandey to the tune of Rs.19,25,000/- on the pretext of getting his son admitted in MBBS First Year course in KIMS medical college at Bangluru.
- 3) Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question, he further submits that the entire amount was received by M.N. Satish, Dinesh Sharma and Deepak Chatterjee, no any amount was taken by the present applican and there is no conversation of the applicant with the complainant or son of the complainant.

The charge-sheet has already been filed, the applicant has no criminal antecedents, there is no likelihood of the applicant tampering with the prosecution evidence or absconding the applicant has been arrested on 09.04.2021 and due to COVID-19 trial is likely to take some time for its final disposal. Therefore, the applicant be released on bail by this Court.

- 4) On the other hand, learned counsel for the Non-Applicant/State opposes the bail application.
- 5) Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, the allegation made against the present applicant, the entire amount was received by the co-accused persons namely M.N. Satish, Dinesh Sharma & Deepak Chatterjee, the aforesaid amount was not obtained by the present applicant, no conversation between the present applicant and complainant or son of the complainant for getting him admission in medical college, only one memorandum statement of the applicant was recorded where he stated that accused Deepak Chatterjee obtained money from the complainant, charge-sheet has already been filed, the detention period of the applicant, who is 44 years old and there is no likelihood of the applicant tampering with the prosecution evidence or absconding as admitted by both the counsels and due to COVID-19 conclusion of trial may take some time, without commenting anything on merits of the case, the application is allowed.
- 6) It is directed that in the event of the applicant executing a personal bond for a sum of Rs. 2,00,000/- with two sureties of Rs. 1,00,000/- each to the satisfaction of the concerned Trial Court, he shall be released on bail, on following conditions :-
  - (i) 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,

(ii) he shall not act in any manner which will be prejudicial to fair and expeditious trial, and

(iii) he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial,

(iv) he shall strictly follow the COVID-19 protocol issued by the Central Government/State Government/Local Authority,

(v) he shall not involve himself in any offence of similar nature in future.

Let a copy of this order be forwarded to the concerned police station forthwith who shall inform the trial Court in the event of applicant involving himself in similar offence in future.

Sd/-  
**(Gautam Chourdiya)**  
**Judge**

Nadim