

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6118 of 2021

- Dr. Zia-Ul-Haq Rahmani, S/o Azizur Rahmani, Aged About 33 Years, R/o Pent House No. 04, Orange County, Near Aditya Mall, Indrapuram, District- Ghaziabad Uttar Pradesh. ---- **Applicant**

Versus

- State of Chhattisgarh, Through- Station House Officer, Police Station Ambikapur, District- Surguja, Chhattisgarh.

---- **Non-Applciant**

For Applicant : Shri Sushil Dubey, Advocate

For Non-Applciant/State : Shri Rahim Ubwani, Panel Lawyer

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

14.09.2021

Heard.

- 1) The applicant has preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as he is in jail since 08.03.2021 in connection with Crime No. 905/2020 registered at Police Station- Ambikapur, District- Surguja (C.G.) for the offence punishable under Section 420/34 of IPC.
- 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 name of the applicant is not mentioned in the FIR, there is no transaction between the complainant and the

applicant. The co-accused persons namely Wahim Ahmed @ Fahim & M.L. Satish have already been granted regular and anticipatory bail by this Court and by the Co-ordinate Bench of this Court vide order dated 05.08.2021 in MCRC No. 5002 of 2021 & vide order dated 25.08.2021 in MCRCA No. 912 of 2021 respectively. The applicant has no criminal antecedents, there is no likelihood of his tampering with the prosecution evidence or absconding. The applicant is in jail since 08.03.2021, charge-sheet has already been filed and due to COVID-19 trial is likely to take some time for 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 nature of allegation made against the present applicant, there is no active participation of the applicant in this case, no receipt regarding transaction between the applicant and the complainant, all transaction took place between co-accused person and the complainant, charge-sheet has already been filed, other co-accused persons have already been granted regular and anticipatory bail by this Court or by the Co-ordinate Bench of this court, the detention period of the applicant, who is 33 years old and there is no likelihood of the applicant tampering with the prosecution evidence or absconding as admitted by both the counsel 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