

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 6939 of 2020

- Vimal Kumar Das, aged 45 years, S/o Banmali Das, R/o Rajeev Nagar Muktidhaam, Police Station Supela, Bhilai, District Durg (C.G.)

---- Applicant

Versus

- State of Chhattisgarh, Through – Station House Officer, Police Station – Supela, District Durg (C.G.)

---- State/Non-applicant

For Applicant : Shri Amit Kumar, Advocate

For Non-Applicant/State : Dr.(Ms.) Veena Nair, Deputy Advocate General

Hon'ble Shri Justice Gautam Chourdiya, J

Order on Board

07.01.2021

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he is in jail since 15.06.2020 in connection with Crime No. 359/2020 registered in Police Station- Supela, District Durg (CG) for the offence punishable under Sections 420, 467, 468 & 471 read with Section 34 of IPC and Section 14 of the Foreigners Act, 1946.
2. As per prosecution case, Police Station Supela received complaint from the Office of Superintendent of Police that Mohd. Rashel (co-accused), resident of Bangladesh, came to India on tourist visa and is living in the house of his sister Smt. Rashida Begum Moshlim Houladar @ Rakhi Das (co-accused) at Supela, Bhilai and information about the same neither given to any police station nor has he filled in requisite C-Form. During inquiry, it was found that Rashida Begum, a resident of Bangladesh, has been living in Supela, Bhilai since long hiding her citizenship and has married one Vimal Kumar Das (present applicant). It is also found that Rashida Begum in order to obtain Indian citizenship has fraudulently procured Aadhaar Card, PAN Card,

Rashan Card, Voter ID & Bank Pass-Book. On the basis of above, offence under Sections 420, 467, 468 & 471 of IPC and Section 14 of the Foreigners Act, 1946 has been registered against the accused persons and they were taken into custody.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this crime, he is languishing in jail since 15.06.2020 and conclusion of the trial is likely to take some time. He also submits that two other co-accused persons namely Mohd. Rashel and Smt. Rashida Begum Moshlim Houladar @ Rakhi Das have been granted regular bail by the coordinate bench of this Court vide orders dated 18.08.2020 & 23.09.2020 passed in M.Cr.C. No. 4416 of 2020 & M.Cr.C. No. 5351 of 2020, therefore, the present applicant be released on bail.
4. On the other hand, learned counsel for the State opposes the bail application.
5. Having heard learned counsel for the parties, considered the totality of the fact, in particular the detention period of the applicant, conclusion of the trial is likely to take some time and the other co-accused persons in this case have been granted regular bail by the coordinate bench of this Court, I am inclined to release him on regular bail. Accordingly, his application is allowed.
6. It is directed that on furnishing a personal bond in the sum of Rs.50,000/- with one surety in the 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 following conditions:
 - a) That, the applicant/accused shall furnish a specific, undertaking that while on bail, he will not commit any offence, otherwise bail granted to him shall be liable to be cancelled and shall co-operate the prosecution during trial.
 - b) That, the applicant/accused shall make himself available for interrogation before the concerned Investigating Officer as and

when required and the applicant/accused 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.

- c) That, the applicant/accused shall not act, in any manner, which will be prejudicial to fair and expeditious trial.
- d) That, the applicant/accused shall not leave India without previous permission of the Court.

Sd/-
(Gautam Chourdiya)
Judge