

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6611 of 2015

Sudhan Ram, S/o. Bhakto Ram Yadav, Aged About 37 Years, R/o. Jharmunda, P.S. Tumla, Civil & Revenue District Jashpur, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, Lailunga, District Raigarh, Chhattisgarh

---- Respondent

For Applicant : Mr. Harish Khuntiya, Advocate

For Respondent : Mr. Anupam Dubey, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

02/12/2015

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.238/2014 registered at Police Station- Lailunga, District Raigarh (C.G.) for the offence punishable under Section 489(A), 489(D), 489(C), 34 of Indian Penal Code.
2. Case of the prosecution, in brief, is that on 31.08.2014 the present applicant alongwith other co-accused were caught with the currency notes worth Rs.12,43,000/- and from the present applicant Rs.3,00,000/- fake currency notes were seized.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. He further submits that when the seizure witness of the case has been examined, he has not supported the case of the prosecution and accordingly the seizure itself have not been proved, therefore, no case is made out against this applicant and, as such, he may be enlarged on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel for the parties and perused the case diary.
6. Having regard to the facts and circumstances of the case and further taking into consideration the nature and gravity of offence and it is settled proposition that the statement of the witness cannot be analyzed for the consideration of bail. It is for the trial Court to decide while taking into the evidence i.e. oral and documentary evidence and admittedly in this case the prosecution witnesses are going on, as such, I am not inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge