

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3863 of 2015

Chandra Sekhar S/o Pretamram Verma Aged About 27 Years R/o Village- Chipa, P.S.- Dongargarh, District- Rajnandgaon, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through: P.S.- Dongargarh, District- Rajnandgaon, Chhattisgarh

---- Respondent

&

MCRC No. 5800 of 2015

Deepak Sahu S/o Govind Sahu, Aged About 25 Years R/o Village Tappa, Police Station Dongargarh, Civil & Revenue District Rajnandgaon, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through: Station House Officer, Police Station Dongargarh, District- Rajnandgaon, Chhattisgarh

---- Respondent

For Applicants	: Shri R.K. Kesharwani and Shri Vijay Kumar Sahu, Advocate
For Respondent/State	: Ms. M. Asha, Panel Lawyer

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

30/10/2015

Heard.

1. MCRC No. 3863 & MCRC No.5800 of 2015 are being disposed off by this common order as the applicants in both the above applications have been arrested in connection with Crime No.274/2014 registered in Police Station- Dongargarh, Rajnandgaon for the offence under Sections 489-A, 489-B, 489-C & 489-D/34 IPC.
2. Earlier applications of both the applicants were rejected by this Court. These are the second bail applications of both the applicants.

3. Learned counsel for the applicants press for grant of bail mainly on two grounds. Firstly on the ground of long detention during trial. It is submitted that the applicants have been arrested and in jail since 1.8.2014 i.e. more than 1 year and 2 months by now. The second ground is that during trial, both the seizure witnesses namely Sanju Yadav (P.W.2) and Brijesh (P.W.3) have turned hostile and have not supported the case of the prosecution both with regard to memorandum of the applicants and alleged seizure of fake currency notes. He submits that in these circumstances, when most material witnesses of the prosecution have already been examined, the applicants may be granted bail.
4. On the other hand, learned counsel for the State submits that the trial is still not complete and other prosecution witnesses including the Investigating Officer is also to be examined who may also prove seizure. It is also submitted that looking to the gravity of allegation that the applicants were found in possession of fake currency notes, the applicants are not entitled to grant of bail only on the ground of delay in trial.
5. Taking into consideration the submissions made by learned counsel for the parties particularly taking into consideration that the applicants are in jail since 1.8.2014 and that two material witnesses of memorandum and alleged seizure have already been examined by the trial Court and the submission that they have not supported the case of the prosecution with regard to recording of memorandum and seizure made from the applicants and further taking into consideration that release of the applicants is not likely to subvert the trial or any likelihood of tampering of other witnesses who are official in nature, both the applications are allowed.
6. It is directed that applicants- Chandra Sekhar & Deepak Sahu both shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- along with two local sureties for the like amount to the satisfaction of the concerned trial Court with following further conditions that:
 - (i) The applicants shall appear before the Court below on each and every date unless they are exempted from their appearance by the trial Court.
 - (ii) If the applicants do not appear before the concerned trial Court, the bail shall be liable to be cancelled.

Certified copy as per rules.

Sd/-
(**Manindra Mohan Shrivastava**)
Judge