

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1430 of 2017

Gautar Patre, S/o. Shri Bhagat Ram Patre, Aged About 52 Years, R/o. Village- Kestarpur, Nayapara, Police Station- Lalpur, Civil & Revenue District Mungeli, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through: The Station House Officer, Police Station- Lalpur, Civil & Revenue District- Mungeli, Chhattisgarh .

---- Respondent

For Applicant : Mr. Paras Mani Shriwas, Advocate

For Respondent : Mr. Ashok Swarnakar, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

20/03/2017

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.202/2015 registered at Police Station- Lalpur, District Mungeli (C.G.) for the offence punishable under Section 489(B)/34 & 489(C)/34 of Indian Penal Code.
2. As per the prosecution case, on 24.11.2015 from the possession of the present applicant, 40 counterfeit notes were seized.
3. Learned counsel for the applicant would submit that out of the enlisted witnesses, eight witnesses have already been examined and they have not supported the case of the prosecution, therefore, the applicant may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.

5. Perused the case diary and the documents. It appears that I.O. has not been examined. Considering the fact that the trial is at the fag end, at this stage, I do not find it proper to evaluate the statement of the witnesses, as it would amount to usurp the power of the trial Court and adjudicate the case on merit while hearing the case on bail. Consequently, I am not inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge