

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4494 of 2017

Wahid Ali @ Kallu, S/o. Md. Safik, Aged About 28 Years, R/o. Village Kuruludih, Police Station Sanawal, Tahsil Ramanujanj, District Balrampur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, Police Station- Odgi, District Surajpur, Chhattisgarh.

---- Respondent

For Applicant : Mr. Rahul Mishra, Advocate

For Respondent : Mr. Suryakant Mishra, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

20.07.2017

1. This is the second 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.31/2016 registered at Police Station- Odgi, District Surajpur (C.G.) for the offence punishable under Section 489(B), 489(C), 420/34 of Indian Penal Code. The first bail application of the applicant was dismissed on 30.08.2016 in MCRC No.4988 of 2016.
2. Case of the prosecution, in brief, is that one Sahabuddin while making a purchase on 20.04.2016 gave note of Rs.1000/- and after touching the same when the shop keeper had some doubt and tried to test it, at that time, he tried to fled away and during such procedure his purse fell down wherein driving licence and other notes were recovered and on further enquiry of Sahabuddin when he was arrested, on his memorandum it was revealed that he alongwith other co-accused used the fake

currency notes and on the memorandum of Sahabuddin fake currency notes of Rs.3000/- were seized from the applicant.

3. Learned counsel for the applicant would submit that the seizure witness have 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 earlier bail rejection order. Considering the same, at this stage, it is not proper for this Court to evaluate the statement of the witnesses and give a finding while hearing the bail application, as it would amount to usurp the power of the trial Court. Therefore, I do not find any change of circumstances to reconsider the instant second bail application.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge