

HIGH COURT OF CHHATTISGARH AT BILASPURM.Cr.C. No.935 of 2018

1. Prakash Sathiya @ Bhuneshwar S/o Late Budhman Sathiya, aged about 25 years, R/o village Sitalee Chatinar, Police Station Kondagaon, District Kondagaon (C.G.).
2. Khaduram Markam S/o Phoolprasad Markam, aged about 21 years, R/o village Marangpuri, Choki Baskot, District Kondagaon (C.G.).

---Applicants

Versus

State of Chhattisgarh, Through - Police Station Koile Beda, District Kanker (C.G.).

---Respondent

For applicants	:	Shri R.K.Bhagat, Advocate.
For State	:	Ms.Sunita Jain, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

06/04/2018

1. The applicants has preferred this bail application under Section 439 of Cr.P.C. in connection with Crime No.03/2017 registered at Police Station Koile Beda, District Kanker (C.G.) for the offence punishable under Sections 489-B & 489-C of IPC.
2. Present applicants are in jail since 20/03/2017 and 04/04/2017 respectively.
3. The allegation against the present applicants as per the prosecution case is that, from their possession, the police authorities had recovered certain fake currency notes which they were using it as general.
4. The counsel for the applicants submits that, till now, out of 25 witnesses, 13 witnesses have been examined on behalf of the prosecution

and all these 13 witnesses have turned hostile including the material witness like seizure witness. He further submits that both the applicants have already remained in custody for a period of more than one year. He further submits that, even the complainant Chadar Mal Kaushal – PW/2 have also not supported the case of prosecution.

5. These aforesaid facts are not disputed by the State counsel on verifying the record. However she opposes the bail application only on the ground that the applicants were infact found in possession of fake currency notes which they were trying to use it as general.

6. Having heard the contentions put forth on either side and on perusal of record particularly taking note of the fact that both the applicants have already remained in custody for a period of more than 1 year so also considering the fact that all the material witnesses examined till now have not supported the case of prosecution including the complainant, this Court is of the opinion that prima-facie a strong case has been made out for grant of bail to the present applicants.

7. Accordingly, the application for grant of bail is allowed. It is ordered that the applicants shall be released on bail on their executing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Trial Court. The applicants shall thereafter appear before the Trial Court on each and every date given to them by the said court.

Sd/-
(P. Sam Koshy)
JUDGE

Sumit