

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1421 of 2018**

- Wahid Ali @ Kallu S/o Mohammad Safik Aged About 28 Years R/o- Village- Kurul-dih, Police Station- Snawal, District- (Revenue And Civil)- Balrampur, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through- Police Station Odagi, District (Revenue And Civil)- Surajpur, Chhattisgarh

---- Respondent

For Applicant	:	Shri S.D. Singh, Advocate
For Respondent-State	:	Shri Adhiraj Surana, Dy. GA for the State

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****04/04/2018**

1. This is the Third Bail Application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested on 21.04.2016 in connection with Crime No.31/2016 registered at Police Station Odagi, District (Revenue & Civil) Surajpur (CG) for the offence punishable under Sections 489 (ख) (ग), 420/34 of the I.P.C.
2. The First Bail Application bearing M.Cr.C. No.4988/2016 was dismissed on 30.08.2016. The Second Bail Application bearing M.Cr.C. No.4494/2017 was dismissed on 20.07.2017.
3. 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.

4. Learned counsel for the applicant submits that no substantial evidence is against the present applicant and only notes of Rs.3000/- were seized and the witnesses have also not supported the case of the prosecution, therefore, the applicant may be released on bail.
5. Per contra, learned State counsel opposes the prayer for grant of bail.
6. Considering the facts and circumstances of this case, it would not be proper for this Court to evaluate the statements of the witnesses by holding a trial as it will amount to usurp the power of the trial Court and it is for the trial Court to evaluate the exact involvement of the present applicant. Further the case diary shows that the route of the currency notes was from Nepal & Bangladesh. In view of this, I do not find any change of circumstances to consider this repeat bail application. Accordingly, the bail application is dismissed.

Sd/-

Goutam Bhaduri

Judge

Ashu