

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6341 of 2017

- Mahesh Kumar Gendle S/o Shri Shukhiram Gendle, Aged About 30 Years, R/o Village Guma, Police Station Bilha, District Bilaspur Chhattisgarh.
- Ramesh Kumar Gendle S/o Shri Shukhiram Gendle, Aged About 33 Years, R/o Village Guma, Police Station Bilha, District Bilaspur Chhattisgarh.

---- Applicants

Versus

- State Of Chhattisgarh Through Station House Officer, Out Post Sargaon, Police Station Pathariya, District Mungeli Chhattisgarh. (as per remand from)

---- Non-applicant

For Applicants – Shri Abdul Wahab Khan, Advocate.
For Non-applicant/State – Shri Vinod Tekam, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order on Board

08-01-2018

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court by the applicants for regular bail. The applicants have been arrested on 26-08-2017 in connection with Crime No.428/2017 registered at Out Post Sargaon, Police Station Pathariya, District Mungeli, C.G. for the offence under Section 489 B, C/34 of the IPC.
2. It is submitted on behalf of the applicants that the applicants have been falsely implicated in this case. No case is made out against the applicants on the basis of material in record of the prosecution case. Both the applicants are real brothers, rustic villagers and have nothing to do with the use and possession of the fake currency notes. The applicants are in jail since 26-08-2017. They are willing to abide by all

the conditions imposed for grant of bail. Hence, it is prayed that the applicants may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application and submission made. It is submitted that the applicants have been engaged in possessing and using fake currency notes. The offence is of serious nature. Hence, they are not entitled for grant of bail.

4. Heard learned counsel for the parties and perused the case diary.

5. As per the case, on the date of incident, currency note of Rs.100/- was given to complainant Ashok Singh Thakur for payment of some article purchased. The complainant had a doubt that the currency note given was fake; he informed the police chowki Sargaon. The applicants were apprehended and fake currency notes of Rs.100/- and Rs.2000/- were recovered from their possession. Thereafter, the case was registered against them and others.

6. Considered on the submissions made and contents of the case diary.

7. As it appears that one co-accused Bhuvaneshwar was the person from whom the applicants had received the said fake currency notes, the co-accused Bhuvaneshwar appears to be the main accused in this case. Considering the facts and circumstances of this case and the facts that the applicants are local residents and that they shall be available for the trial, I am of this view that the applicants should be enlarged on regular bail in the present matter.

8. Consequently, the application (MCRC No.6341/2017) filed under Section 439 of the Cr.P.C. by the applicants is hereby allowed. It is directed that the applicants shall be released on bail on each of them

furnishing a personal bond in the sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned Court, for their appearance as and when directed.

9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge