

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 4294 of 2017**

1. Mangal @ Manglu, S/o. Yudhisiter Malakar, Aged About 40 Years
2. Chitranjan, S/o. Yudhisiter Malakar, Aged About 43 Years,
Both No.1 and 2 are R/o Barampura, Police Station- Saria, District Raigarh, Chhattisgarh.
3. Golu @ Mayank, S/o. Sewaram Sahu, Aged About 27 Years, R/o. Village Dansara, Police Station – Sarangarh, District - Raigarh, Chhattisgarh.
4. Dhurvin Das @ Chandra, S/o. Udit Das Mahant, Aged About 25 Years, R/o. Barpali, Police Station -Dabhra, District -Janjgir, Chhattisgarh.

---- Applicants

Versus

State of Chhattisgarh, Through : Station House Officer, Mahasamund, District Mahasamund, Chhattisgarh.

---- Respondent

AND**M.CR.C. No. 4953 of 2017**

Saabas, S/o. Baj Khan, Aged About 40 Years, R/o. Ward No. 5, Nayapara, Near Bajrang Chowk Mahasamund, Police Station - Mahasamund Chhattisgarh, At Present R/o. Village Gatadih, P.S. Sarsiva, District Balodabazar, Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh, Through : Station House Officer, Mahasamund, District Mahasamund, Chhattisgarh.

---- Respondent

 For Applicants

: Mr. Ajay Ayachi, Advocate

For Respondent/State

: Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****03/01/2018**

1. Both the bail application are heard and decided together by this common order as they are arising out of the same crime number and the incident.
2. These are is the first bail applications filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants, who have been arrested in connection with Crime No.219/2016, registered at Police Station – Mahasamund, District – Mahasamund (C.G.) for the offence punishable under Section 489 (A) (B) (C) (D) (E)/34 of Indian Penal Code.
3. It is submitted by the learned counsel for the applicants that the applicants have been falsely implicated in this case and they are in jail since 17.05.2016, the trial against the applicants has progressed and the witnesses examined have been turned hostile, hence, under these circumstances and looking to the delay in conclusion of trial, it is prayed that the applicants be granted regular bail.
4. On the other hand, learned counsel for the State opposes the bail applications and the submissions made in this respect. It is submitted that the applicants are being charged with counterfeiting and having in possession the fake currency notes, which is serious offence against the society and economy of the country, hence, they are not entitled for grant of bail. It is further submitted that the applicant – Saabas (in M.Cr.C. No.4953/2017) and applicant No.1 – Mangalu (in M.Cr.C. No.4294/2017) have a previous criminal record because of which, no

case is made out for grant of bail to the applicants.

5. I have heard the learned counsel for both the parties and perused the case diary.
6. The brief facts of the case are that the applicant Saabas was arrested by the police personnel of the Mahasamund and on the basis of the memorandum statement given by him, rest of the applicants were arrested. On the basis of the memorandum given by each of the accused, fake currency notes have been seized from the accused persons, whereas the printer and other articles have been seized from the applicant - Mangal @ Manglu (applicant No.1 in M.Cr.C. No. 4294/2017). The case was registered and after completion of the investigation, the charge sheet is filed and the trial has made progressed.
7. Considered the submissions made and the contents of the case diary. Taking into consideration this fact that the applicant- Saabas (applicant in M.Cr.C.No. 4953/2017) and Mangal @ Manglu (applicant No.1 in M.Cr.C. No.4294/2017) have previous criminal record, therefore they are not entitled to be released on bail, whereas, the rest of the applicants do not have any previous criminal record and they are in jail since 17.05.2017, they are also local residents and their appearance before the trial Court can be ensured by imposing suitable conditions, hence for these reasons, the application of the the applicant No.2, 3 & 4 namely Chitranjan, Golu @ Mayank and Dhurvin Das @ Chandra (in M.Cr.C.No.4294/2017) is allowed.
8. Accordingly, the bail application in respect of the applicant No.2, 3 & 4 namely Chitranjan, Golu @ Mayank and Dhurvin Das @ Chandra (in

M.Cr.C.No.4294/2017) is allowed and in respect of the applicant No.1 Mangal @ Manglu and Saabas (in M.Cr.C.No.4953/2017) is dismissed.

9. It is directed that applicants No.2, 3 and 4 (in M.Cr.C. No.4294/2017 shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge