

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7481 of 2018**

1. Dharmendra Tande S/o Sethlala Aged About 25 Years

2. Goutam Kumar Tonder S/o Sethlala Aged About 28 Years

Both are R/o Kandapara, P. S. Arang, District Raipur Chhattisgarh, District : Raipur, Chhattisgarh

---- Applicants

Versus

State Of Chhattisgarh Through The Station House Officer, Police Station City Kotwali, Balodabazar, District Balodabazar-Bhatapara Chhattisgarh, District : Balodabazar-Bhathapara, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Basant Kaiwartya, Advocate
For the State	:	Shri Satish Gupta, Govt. Advocate

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****01/11/2018**

1. This is the first bail application under Section 439 of the CrPC and there is no bail application is pending before any other Court.
2. Perused the case diary provided by the counsel for the State in connection with the Crime No.199/2018 registered at Police Station City Kotwali, Balodabazar, District Balodabazar-Bhatapara (C.G.) for the offence punishable under Section 489, क , ख , ग /34 of IPC.
3. Case of the prosecution, in brief is that applicant No. 1 Dharmendra is supplier of the counterfeit currency note to other co-accused. Applicant No. 2 Goutam is also involved in use of fake currency note as genuine.
4. From the applicant No.1 Dharmendra no fake currency note was seized. Only one motorcycle was seized from him. Nothing is seized from the applicant No.2 Goutam. Complicity of the applicant No.1 Dharmendra has been shown in the memorandum of co-accused Prem Navrange, complicity of the applicant No.2 Goutam has been shown in the

memorandum of Gyandas. These parts of the memorandum are not admissible in evidence.

5. Learned counsel for the applicants submits that they are innocent and falsely implicated in the present case, therefore, they shall be released on bail.
6. On the other hand, learned counsel for the State opposes the bail application. He further submits that there is no antecedents against the applicants.
7. In the case in hand other co-accused Somnath, Prem Navrange and Ramcharan Khunte have been enlarged on bail. The case of applicants are not more severe than those who are already enlarged on bail.
8. Looking to the above mentioned facts and circumstances of the case, looking to the fact that there is no likelihood of the accused to abscond and tamper the evidence, the trial will take its own time, this Court is inclined to give the benefit of Section 439 of the Cr.P.C. to the present applicants.
9. Consequently, the bail application filed under Section 439 of the Cr.P.C., is allowed. It is directed that if each applicants furnishes one solvent surety for a sum of Rs. 25,000/- along with a personal bond in the like sum to the satisfaction of the concerned Court with the condition that they shall appear before the trial Court at 11.00 am as and when directed till trial and they would cooperate during the trial, they shall be released on bail.
10. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
Judge