

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4859 of 2019**

- Shankardyal S/o Shri Hemraj Aged About 40 Years R/o Village Yogyani, Out Post Balangi, Police Station Raghunathnagar, District Balrampur, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through The Station House Officer, Police Station Raghunathnagar, District Balrampur- Ramanujganj, Chhattisgarh.

---- Respondent**AND****MCRC No. 4946 of 2019**

- Ramnath Gurjar S/o Shri Ramnaresh Gurjar, Aged About 26 Years R/o Village- Gadru, Out Post- Balangi, Police Station- Raghunathnagar, District- Balrampur, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through The Station House Officer, Out Post- Balangi, Police Station- Raghunathnagar, District- Balrampur, Chhattisgarh.

---- Respondent

For Applicant (In MCRC No. 4859/19)	: Shri Bhupendra Singh, Adv.
For Applicant (In MCRC No. 4946/19)	: Shri Bhupendra Singh, Adv.
For Respondent/State	: Smt. Smita Ghai, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board**20/08/2019**

1. Heard.
2. Since both cases arise out of same Crime No., therefore, they are being disposed of by this common order.
3. The Applicants have preferred their second bail applications under

Section 439 of Cr.P.C. for grant of regular bail as they are arrested in connection with crime No. 88/2018, registered at Out Post Banangi Police Station – Raghunathnagar, District – Balrampur, (C.G.) for the offence punishable under Section 489 (A) (B) (C) of IPC and Section 25 of Arms Act.

4. First bail applications of the Applicants namely Shankardayal and Ramnath were earlier dismissed as withdrawn with liberty to file afresh after examination of seizure witnesses vide order dated 28.02.2019 passed in MCRC No. 736/2019 and MCRC No. 157/2019 respectively.
5. As per the prosecution story, on 07.10.2018, Complainant Arvind Kumar, who is a fish seller, lodged a report in the police station alleging therein that present Applicant namely Ramnath Gurjar (in MCRC No. 4946/2019) purchased 2 kg fish @ Rs. 300/- from him and for that Applicant (Ramnath) has given a currency note of Rs. 2,000/-. On touching the said currency note of Rs. 2,000/-, it looked like a fake currency note. When Complainant asked Ramnath about this, then he told that, the said currency note was given to him by one Shankardayal, Applicant (in MCRC No. 4859/2019). On the basis of the said report, offence has been registered. During course of investigation, one fake currency note of Rs. 2,000/- each from Complainant Arvind, and Applicant Ramnath have been seized from their possession. Also from Applicant Shankardayal, 11 fake currency note of Rs. 2,000/- and 17 fake currency note of Rs. 500/- has been seized from his possession. It is further alleged that the said currency notes were given to the Applicants by one absconded accused person namely Rajaram. On the basis of the said, present Applicants were arrested on 07.10.2018.
6. Learned Counsel appearing on behalf of the Applicants submits that the Applicants are innocent and have been falsely implicated in the case due to some dispute with the police officials. He further submits that *prima facie*, no offence under Section 489 (A) of the IPC can be made out against any of the Applicants. Both seizure witnesses have been examined and they have not supported the case of the

prosecution. Applicants are in custody since 07.10.2018, charge-sheet has been filed and trial is likely to take some time. Therefore, they may be released on bail.

7. Per contra, learned Counsel appearing on behalf of the State opposes the bail application.
8. I have heard learned Counsel for the parties and perused the case diary.
9. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that both seizure witnesses have been examined and they have not supported the case of the prosecution, Applicants are in custody on 07.10.2018, charge-sheet has been filed and trial is likely to take some time, without further commenting on other merits of the case, I am inclined to release them on bail.
10. Accordingly, the bail application is allowed.
11. It is directed that the Applicants shall be released on bail on each of them executing personal bond for a sum of Rs. 20,000/- with one solvent surety for the like amount to the satisfaction of the concerned Trial Court for their appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge