

HIGH COURT OF CHHATTISGARH, BILASPUR**CRA No. 1360 of 2018**

- Madhusudan Rana, S/o Dhaneshwar Rana, Aged About 40 Years, R/o- Village- Sodha, Post- Temri, Police Station- Maikmal, District : Bargarh, Orissa

---- Appellant**Versus**

- State Of Chhattisgarh, Through- Station House Officer, Police Station- Saraipali, District : Mahasamund, Chhattisgarh

---- Respondent

For Appellant	:	Shri Gurudev I. Sharan, Advocate
For Respondent/State	:	Shri Shailendra Dubey, Addl. A.G.

DB : Hon'ble Shri Justice Manindra Mohan Shrivastava**Hon'ble Smt. Justice Rajani Dubey****Order On Board by Hon'ble Shri Justice Manindra Mohan Shrivastava****18.02.2019**

1. Heard on IA No.1 for condonation of delay in filing this appeal.
2. Considering that present is an appeal arising out of order rejecting the application for grant of bail in NIA matter, prayer for condonation of delay of 108 days is allowed.
3. Delay in filing this appeal is condoned.
4. This appeal arises out of order dated 28.03.2018, by which the appellant's application for grant of bail has been rejected by the Special Judge (N.I.A.) Bastar, Jagdalpur, C.G.
5. Learned counsel for the appellant would argue that the appellant has been involved in the alleged commission of offence of having been found in possession of fake currency said to be 375 in numbers, whereas, according to the appellant, he has been falsely implicated in the present case. He further argued that the bail application was filed before the Court, though two independent eye-witnesses of seizure, have turned hostile, and do not support the case of the prosecution. The appellant has remained in jail since 19.07.2017, and at this stage, when material eye witnesses of seizure have already been examined, the appellant may be enlarged on bail.

6. On the other hand, learned counsel for the State submits that the appellant is not entitled to grant of bail only because witnesses of seizure have not supported the case of the prosecution as other prosecution witnesses are yet to be examined. He would submit that since the allegation is that the appellant has been found in possession of about 375 fake currency, the appellant, in the event of grant of bail, may flee from the justice and may affect the progress of trial.
7. We have heard arguments of learned counsel for the parties and considered that the appellant has been arrested and is in jail since 19.07.2017 on the allegation of he being found in the possession of fake currency, we have taken into consideration, the submission that during trial the independent witnesses of seizure have not supported the case of the prosecution. We would not comment anything on merits of the case. However, at this stage, when the trial has not been concluded and the appellant has remained in custody since 19.07.2017, and there is nothing to say that after taking the benefit of grant of bail, he is either likely to flee away from justice or to otherwise adversely effect the progress of trial, balancing in the interest of accused and prosecution both, we are inclined to grant bail to the appellant on following stringent conditions :-
 - I. On appellant's furnishing a personal bond in the sum of Rs.50,000/- along with one local surety for the like amount to the satisfaction of the concerned Trial Court, he be released on bail.
 - II. He shall appear before the concerned trial Court on each and every date of hearing unless, his presence is exempted.
 - III. The appellant shall not leave the territorial limits of the jurisdiction of NIA Court without the leave in writing of the Court.
8. Violation of any of aforesaid conditions shall render the bail liable to be canceled.
9. As a result, the appeal is allowed and the impugned order rejecting the bail application is set aside.
10. Accordingly, this appeal is disposed off.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Sd/-
(Rajani Dubey)
Judge