

HIGH COURT OF CHHATTISGARH, BILASPUR**CRA No. 1473 of 2018**

- Tilakram S/o Ramlal Bharadwaj Aged About 32 Years R/o Near Kabristhan Chhoti Koni, Police Station Koni, District : Bilaspur, Chhattisgarh

---- Appellant**Versus**

- State Of Chhattisgarh Through Station House Officer Police Station Sakri, District : Bilaspur, Chhattisgarh

---- Respondent**CRA No. 362 of 2019**

- Ajay Lahare S/o Soukhi Lal Lahare Aged About 27 Years R/o Village Bharari, Satnami Muhalla, Police Station Kota, District : Bilaspur, Chhattisgarh

---- Petitioner**Versus**

- State Of Chhattisgarh Through The Station House Officer, Police Station Sakari, District : Bilaspur, Chhattisgarh

---- Respondent

For Appellant	:	Shri Awadh Tripathi, Adv. and Shri Rajeev Kumar Dubey, Adv.
For Respondent/State	:	Shri Avinash K. Mishra, PL

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****09.05.2019**

1. The aforesaid two appeals arise out of orders passed by the learned trial Court by which the application for grant of bail under Section 439 of the Cr. P.C. have been rejected.
2. The appellant/Ajay Lahare filed an application for grant of bail which was rejected on 13.02.2019. The co-accused Tilak Ram had filed application for grant of bail, which was also rejected by the trial Court earlier on 25.06.2018. Thereafter, he moved an application for grant of bail under Section 439 of the Cr. P.C., which was dismissed as withdrawn on 02.08.2018. Thereafter, the appellant Tilak Ram filed appeal under NIA Act

assailing the order of rejection of bail.

3. Learned counsel for the appellants would argue that the police registered a case against the appellant on the allegation that the appellants were found in possession of fake currency note, computer and other printing machinery indicating that the appellants were engaged in preparing counterfeit currency. In the present case, the appellants have remained in jail for long time, the two independent seizure witnesses have already been examined by the trial Court and they have not supported the prosecution case.
4. The second bail application filed by the appellant/ Ajay Lahare has been rejected by the trial Court even after the witnesses had turned hostile.
5. On the other hand, learned counsel for the State submits that so far as rejection of bail application of Tilak Ram is concerned that was rejected on 02.06.2018, taking into consideration the nature and gravity of allegation against the appellant that he was involved in preparation and circulation of fake currency notes. He would next argue that so far as rejection of second bail application of appellant/Ajay Lahare is concerned, it is submitted that so far as the ground, that the independent witnesses of seizure have not supported the prosecution case, is a matter of assessment of evidence and there are many other witnesses including Investigating Officer who are yet to be examined, and if the appellants are granted bail, they are likely to abscond or indulge in repetition of the same crime and it may also protract the trial.
6. We have heard arguments of learned counsel for the parties and perused the dairy including charge sheet.
7. The involvement of the two appellants are based mainly on the allegation that from their possession certain fake currency notes, computer and printer were seized. We find that the trial has remained pending since last one year and appellant are in jail since 09.04.2019 and 03.06.2018, the two prosecution witnesses who are said to be independent witnesses of seizure of fake currency note, computer printer, namely Mohd. Sarfaraj and Rakesh Verma have also been examined by the trial Court.
8. Taking into consideration, the aforesaid aspects of the matter, particularly that the appellants are in jail for long time and the two independent witnesses of seizure have been examined and most of the remaining witnesses appears to be official witness only, in our opinion the appellants are entitled to be released on bail.

9. As a result, the appeal is allowed and the impugned order rejecting the bail application in the aforesaid appeals are set aside, and the application for grant of bail to the appellants are allowed and they shall be released on furnishing a personal bond in the sum of Rs.20,000/- each along with one local surety of Rs. 30,000/- to the satisfaction of the concerned Trial Court. They shall appear before the concerned trial Court on each and every date of hearing unless, their presence are exempted.
10. If the State comes out with the allegation, that after getting bail, the appellants are not appearing and trial is being protracted on account of adjournment sought, it will be open to apply for cancellation of the bail of the appellants.
11. Accordingly, this appeal is disposed off.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Sd/-
(Rajani Dubey)
Judge