

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRA No. 1860 of 2018

Akhilesh Dhruv S/o Shri Kanhaiya Dhruv Aged About 33 Years R/o Village Muski, Police Station Tumgaon, Present Address Village Mongara, Police Station Mahasamund District Mahasamund Chhattisgarh

--- APPELLANT

Versus

State of Chhattisgarh Through Police Station Mahasamund District Mahasamund Chhattisgarh

---- RESPONDENT

For the Appellant :- Mr. Amit Kumar Chaki, Advocate
For the Respondent :- Mrs. Fauzia Mirza, Addl. Adv. General

Hon'ble Shri Justice Manindra Mohan Shrivastava
Hon'ble Smt. Justice Vimla Singh Kapoor,

Judgement on Board By
Manindra Mohan Shrivastava, J.

04.02.2019

Heard.

1. This appeal arises out of order dated 22.09.2018 passed by learned Special Judge (N.I.A.) and Sessions Judge, Bilaspur (C.G.) in Special Case No. (NIA) 04 of 2018, whereby the appellant's application for grant of bail has been rejected. The

appellant has been arrested for the alleged commission of offence under Sections 489(A), 489(C), 489(D) and 34 IPC.

2. This application has been filed by the appellant under Section 21(4) of the National Investigation Agency Act, 2008 as it provides for an appeal against an order rejecting application for grant of bail.
3. Learned counsel for the appellant would argue that as far as the appellant is concerned, his involvement is extremely doubtful because even according to the prosecution the shop where from the computer, printer, monitor and other accessories of printing of fake currency have been found belongs to co-accused Dwarika Sahu and not to the present appellant Akhilesh Dhruv. He would argue that mere presence of the appellant without he actually found printing fake currency could not lead to appellant's involvement in the alleged offence. It is next submitted that investigation is complete and the charge sheet has been filed and the appellant is in jail since 24.02.2018. Learned counsel for the appellant would also argue that the appellant is a disabled person and his right leg is imputed and he is not able to properly move also, therefore, there is no likelihood of his absconding.
4. Learned State counsel opposes the prayer for grant of bail, and he would submit that when, upon receipt on the Mukhbir information, raid was laid in the shop of Dwarika Sahu, all the materials like computer, printer etc. were seized and the present appellant was also found sitting in the same shop which means that he is also equally involved in the alleged act of preparing of fake currency. Learned State counsel would also argue that at this stage it cannot be said that the trial is so much

delayed and the appellant is in jail last one year, the appellant may not be granted bail.

5. We have heard learned counsel for the parties and perused the impugned order by which appellant's application for grant of bail has been rejected. We have also gone through the contents of the case diary and charge sheet and we find that the appellant Dwarika Sahu has been involved in the commission of offence on the basis that the raid was conducted in the shop of Dwarika Sahu and the appellant was also found there. The case diary and the charge sheet shows that the shop belonged to Dwarika Sahu. More over we find that appellant Akhilesh Dhruv is a disabled person and his right leg imputed below knee. In this case, trial has already begun and we are of the view, that looking to the physical condition of the appellant he is not likely to abscond or in any manner adversely affect the trial, in the event of grant of bail.
6. Therefore, taking into consideration the aforesaid aspect particularly that appellant is a person suffering from disability, we are of the opinion that the appellant ought to be granted bail, therefore, in this circumstances, the appeal is allowed. The order rejecting the appellant's application for grant of bail is set aside and the appellant shall be granted bail on his furnishing a personal bond of 25,000/- along with one local surety of the like amount to the satisfaction of the trial Court on the conditions that he shall appear before the trial Court as and when directed unless exempted.

Sd/-

Manindra Mohan Shrivastava
Judge

Sd/-

Vimla Singh Kapoor
Judge