

HIGH COURT OF CHHATTISGARH, BILASPUR

CRA No.440 of 2020

1. Chhatramani Sao, S/o Amritlal Sao, Aged About 40 Years, R/o Village Bitagipali, Thana Basna, District Mahasamund, Chhattisgarh
2. Sunil Das, S/o Ghasiya Das Panka, Aged About 24 Years, R/o Madhopali, Thana Saraipali, District Mahasamund, Chhattisgarh

---- Appellants

Versus

- State Of Chhattisgarh, Through The Police Station Saraipali, District Mahasamund, Chhattisgarh

---- Respondent

For Appellants
For Respondent

Shri J. K. Gupta, Advocate
Ms. Fouzia Mirza. Addl. AG

Proceeding through Video Conferencing

Hon'ble Justice Mr. Prashant Kumar Mishra
Hon'ble Justice Mr. Gautam Chourdiya

Order On Board by Prashant Kumar Mishra, J.

16/07/2020

1. This is an appeal under Section 21 (4) of the National Investigation Agency Act, 2008 challenging the orders dated 06.02.2020 & 07.02.2020 passed by the learned Special Judge (NIA) and Session Judge, Bilaspur in Special Case (NIA) No.02/2019, arising out of Crime No.116/2019, registered at Police Station Saraipali, District Mahasamund for the offence punishable under Section 489 (B) read with Section 34 of IPC and Section 489 (C) read with Section 34 of IPC, whereby the learned Trial Court refused to enlarge the appellants on regular bail under Section 439 of CrPC.

2. The appellant No.1 Chhatramani Sao had moved another appeal bearing CRA No.761/2019 for the same relief, however, the same was withdrawn on 03.09.2019.
3. The main accused Dharamdas was involved in procuring counterfeit currency notes and trafficking the same through the present appellants and 4th accused Motilal Sahu. On the date of incident, the concerned Police received secret information that one person is trying to traffic counterfeit note at Bazar Chowk, Village Lambar, Police Station Saraipali. The concerned Police reached the place of occurrence and apprehended appellant No.1 Chhatramani Sao and on search, he was found to be possessed of 4 counterfeit currency notes of Rs.500/- denomination. On memorandum statement of appellant No.1 Chhatramani Sao, the appellant No.2 Sunil Das @ Pintu was apprehended with 4 counterfeit currency notes of Rs.500/- denomination.
4. The co-accused Motital Sahu has already been released on bail in CRA No.1588/2019, however, currency notes were not recovered from him.
5. Learned State counsel would inform that the concerned SHO has not sent any information about previous involvement of the appellants in committing similar nature of crime.
6. Considering the fact that the appellants are in jail since 01.04.2019 i.e. for more than 1 year and 3 months and the trial is likely to take some more time due to the prevailing COVID-19 pandemic situation, this Court is inclined to enlarge the

appellants on regular bail.

7. Accordingly, the criminal appeal is allowed. The impugned order is set aside and it is directed that the appellants be released on bail on each of them furnishing a personal bond for a sum of Rs.50,000/- with one surety for the like sum to the satisfaction of the trial Court. They are directed to appear before the trial Court on each and every date given by the said Court.

Sd/-
Prashant Kumar Mishra
Judge

Sd/-
Gautam Chourdiya
Judge

Nirala