

HIGH COURT OF CHHATTISGARH, BILASPUR**CRA No. 564 of 2020**

- Raju Kashyap @ Ranjeet S/o Late Narendra Aged About 40 Years R/o Ward No. 3, North Jhagrakhand Colliery, P. S. Jhagrakhand, Tahsil Manendragarh, District : Koriya, Chhattisgarh

---- Appellant**Versus**

- State Of Chhattisgarh Through Station House Officer, P. S. Jhagrakhand, District : Koriya, Chhattisgarh

--- Respondent

For Appellant	:	Mr. Akhtar Hussain, Advocate.
For State	:	Mr. Ravish Verma, G.A.

DB : Hon'ble Shri Justice Manindra Mohan Shrivastava**Hon'ble Smt. Justice Vimla Singh Kapoor****Order On Board****24/11/2020**

Heard.

1. This is appeal under Section 21 of the NIA Act, 2008 preferred against order dated 26.02.2020 passed by the Second Additional Sessions Judge, Manendragarh, District- Koriya, (C.G.), by which appellant's application for grant of bail has been rejected.
2. The appellant has been arrested on 07.12.2019 under Crime No.124/2019 registered at Police Station- Jhagrakhand, District : Koriya, (C.G.) on the allegation of having committed offence under Section 489-b of I.P.C.
3. Prosecution case is that the complainant-Sarita received Rs.1000/- from the present appellant towards her salary and it was found that the appellant had given 10 fake currency notes to Sarita. The matter was inquired into and then co-accused Shobhnath was also arrested. The allegation against the present appellant and co-accused is that they are involved in circulating fake currency notes.

4. Learned counsel for the appellant would submit that appellant has not committed any offence. He would argue that in the present case the appellant was provided financial support by co-accused Shobhnath who has given him Rs.10,000/- and while giving note, he added 13 notes of Rs.100/- denomination which were fake notes and appellant had no knowledge nor had any reason to believe that some of the notes out of the bundle of Rs.10,000/- are fake currency and only in a bona fide manner, he had paid Rs.1000/- to his maid servant-the complainant. He submits that this is what has been stated by the co-accused Shobhnath in the memorandum statement also. Therefore, in these circumstances, when the investigation is complete, charge sheet has already been filed and appellant is in jail since 07.12.2019 and there is no progress in the trial, the appellant may be granted bail.
5. On the other hand, learned State Counsel opposes and submits that the 13 fake currency notes of similar number of Rs.100/- denomination has been seized from the possession of the appellant and his close connection and association with co-accused Shobhnath make out a *prima facie* case.
6. In the present case, the involvement of the appellant is based on seizure of 13 number of fake currency notes each of denomination of Rs.100/-. Co-accused Shobhnath in his memorandum statement has stated that he has given loan of Rs.10,000/- to the appellant for running his shop. From the contents of his memorandum statement, it is not borne out that while giving fake currency to the appellant, co-accused Shobhnath had asked to get it circulated in the market. Moreover, according to the prosecution case, itself, co-accused Shobhnath has given Rs.10,000/- to the present appellant and only Rs.1300/- out of the same has been found to be fake currency, therefore, there is considerable force in the submission of learned counsel for the appellant that while taking loan of Rs.10,000/- from co-accused Shobhnath, he was not knowing nor had any reason to believe that some of the currency notes in the bundle of Rs.10,000/- are fake currency.
7. Further, the appellant is in jail since 07.12.2019 and there is no material progress in trial. Considering the aforesaid circumstances, we consider that present is a fit case for grant of bail to the appellant. Accordingly, this appeal is allowed. The order of the Court below is set aside.

8. The appellant shall be released on bail on his furnishing a personal bond of Rs.25,000/- along with one local surety of the like amount to the satisfaction of the Trial Court, for his appearance before the concerned trial Court on each and every date as may be directed, unless exempted from appearance.

Certified copy as per rules.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Sd/-
(Vimla Singh Kapoor)
Judge

Ravi