

HIGH COURT OF CHHATTISGARH, BILASPUR
CRA No. 358 of 2020

- Resham Lal Gandharva @ Paula S/o Jai Singh Aged About 26 Years
Caste Gandharva, R/o Village Sapni Katel Tola, Police Station
Gaurela, District Bilaspur Chhattisgarh. **---- Appellant**

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station
Pasan, District Korba Chhattisgarh. **---- Respondent**

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- Mr. Rajendra Kumar Patel, counsel for the appellant.
 - Mr. Mateen Siddiqui, Dy. AG for the State/respondent.
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D.B.: Hon'ble Shri Justice Manindra Mohan Shrivastava

Hon'ble Smt. Justice Vimla Singh Kapoor

Order on Board

Per Manindra Mohan Shrivastava, J.

15.03.2021

This appeal is directed against order dated 07.01.2020 passed by Additional Session Judge, Katghora, District Korba, CG, by which appellant application for grant of bail under Section 439 Cr.P.C. has been rejected.

2. Learned counsel for the appellant submits that the appellant has been convicted for the offences under Sections 420, 489-A and 489-B/34. He would argue that in the present case the appellant has been falsely implicated and even according to the prosecution case only three fake currency notes, each of rupees two thousand are said to be seized from the possession of the appellant and the allegation of printing counterfeit currency is on other accused who have already been released on default bail by the Court below. As the trial has not been concluded for last more than one year nor likely to be concluded early, at this stage, the appellant ought to be granted bail.

3. On the other hand, learned State counsel would submit that there is *prima facie* material against the appellant, inasmuch as, not only three fake currency notes have been recovered from his possession but he has been alleged to be involved in the case diary statement of the prosecution witnesses and has also been identified as one of those accused who had reached out to villagers in the name of advancing loan and distributing packet of currency note, which were found to be fake currency notes.

4. Considering the submission of learned counsel for the parties, particular taking into consideration that from the possession of the present appellant only three fake currency notes are said to be recovered, he his jail since 04.12.2019 and trial has not been concluded and other accused including main accused have already been released on bail, though by way of default bail, at this stage, we are considered it proper that appellant should be granted bail, as he is neither likely to abscond or temper with prosecution witness. Therefore, in view of the above the impugned order cannot be sustained and therefore set aside. Accordingly, application for grant of bail is **allowed**.

5. Appellant shall be released on bail on furnishing a personal bond of Rs. 50,000/- with one local surety of the like amount to the satisfaction of the concerned trial Court, for his appearance before the concerned trial Court on each and every date, as may be directed.

Sd/-

(Manindra Mohan Shrivastava)
Judge

Sd/-

(Vimla Singh Kapoor)
Judge