

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRA No. 364 of 2021**

- Sanjeet Kumar Tanti S/o Virendra Tanti Aged About 23 Years R/o Gram Nekpur, P.S. Chhabilapur, District Nalanda Bihar

---- Appellant

Versus

- State Of Chhattisgarh Through P.S. Cyber Cell Police Phq, New Raipur, District Raipur Chhattisgarh

---- Respondent

&**CRA No. 425 of 2021**

- Ramlagan Kumar @ Ayush S/o Shri Saryug, Aged About 22 Years R/o Nekpur, P.S. Chabilapur, District Nalanda, Bihar

---- Appellant

Versus

- State Of Chhattisgarh Through P.S. Cyber Cell, Headquarter, Nava Raipur, District Raipur Chhattisgarh

---- Respondent

&**CRA No. 492 of 2021**

- Anjali Kumari W/o Shri Ramlagan Kumar Aged About 19 Years R/o Village - Morbeegha, Police Station - Varsileeganj, District Nawada (Bihar)

---- Appellant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station - State Cyber Police Station, Police Head Quarter (P.H.Q.), New Raipur, Atal Nagar, District Raipur, Chhattisgarh

---- Respondent

For Appellant : Shri Raj Kumar Gupta, Shri Devershi Thakur, Shri Shivendu Pandya, Advocates

For State : Shri Lalit Jangde, Dy.G.A.

D.B.:- Hon'ble Shri Justice Manindra Mohan Shrivastava
Hon'ble Smt. Justice Vimla Singh Kapoor

Order On Board

25/06/2021

Heard.

The aforesaid three appeals are being disposed off by this common order as these appeals arise out of the order passed by the NIA Court rejecting bail applications filed by respective appellants in connection with Crime No.02/2020, P.S.-Cyber Cell, Naya Raipur, Chhattisgarh and all the appellants are co-accused in the aforesaid cases wherein offences under Section 420, 465, 468, 471, 34, 120-B, 489A, 489D, 489E of IPC and Section 66 (C) and 66 (D) of IT Act, 2000 have been registered against them and they have been arrested on 19/12/2020.

2. Learned counsel for appellants would argue that the appellants have been involved in the alleged commission of offence of counterfeiting, possessing and circulating fake currency notes only on doubt. It is argued that from the possession of the appellant – Anjali Kumari, who is said to be keep of co-accused Ramlagan Kumar, only one fake currency note in the denomination of Rs.500/- is said to be recovered whereas from another appellant, Sanjeet Kumar Tanti also, one fake currency of denomination of Rs.500/- is said to be recovered. From the appellant – Ramlagan Kumar, a printer is said to have been recovered along with other articles. It is submitted that all these items which have been recovered from Ramlagan, cannot be said to be kept for the purposes of preparing fake currency notes. It is submitted that in these circumstances, no *prima facie* case of commission of offence under Section 489-A, 489-D and 489-E IPC is made out and recovery of one fake currency note each from Sanjeet Kumar Tanti and Anjali Kumari, would at the most, make out a *prima facie* case under Section 489 C IPC. It is further submitted that investigation is complete, charge sheet has been filed,

the appellants are in jail since last six months and there is no material progress of trial, therefore, they ought to be granted bail by the Court below.

3. Learned State counsel, on the other hand, would submit that from the possession of appellant – Sanjeet Kumar Tanti, a fake currency note of denomination of Rs.500/- is said to be recovered and from the house of Ramlagan, a printer has been seized which *prima facie* makes out a case. It is further submitted that FIR was registered on the report of complainant regarding they having been cheated. When the matter was traced, the cyber cell found that fake currency notes are being printed and circulated in which, all the appellants are involved.

4. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration the nature of allegations, number of fake currency notes alleged to be seized and also that from the possession of Ramlagan, no fake currency notes have been seized and from the possession of Anjali Kumari, only one fake currency note in the denomination of Rs.500/- and also from Sanjeet Kumar Tanti, only one fake currency note has been seized, investigation is complete, charge sheet has been filed and the appellants are in jail since last 6 months and there does not appear to be material progress in trial, the appellants are entitled to be released on bail.

5. Accordingly, this appeal is allowed. The impugned order in all the appeals is set aside. It is directed that the appellants shall be released on bail on each of them furnishing a personal bond in the sum of Rs.50,000/- along with two local sureties for the like amount to the satisfaction of the Trial Court on the condition that -

- a) They shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.

- b) They shall not make any attempt to tamper with the prosecution witnesses.

Certified copy as per rules.

Sd/-

(Manindra Mohan Shrivastava)
Judge

Sd/-

(Vimla Singh Kapoor)
Judge