

HIGH COURT OF CHHATTISGARH, BILASPUR
CRA No. 484 of 2021

- Tirathraj Pradhan S/o Bikhari Pradhan Aged About 45 Years
Occupation Paddy Procurement Fund Incharge, Sagundhap, Police
Station Sankra, District Mahasamund, Chhattisgarh, Permanent R/o
Gram Mohagaon, Police Station Sankra, District Mahasamund,
Chhattisgarh. **---- Appellant**

Versus

- State Of Chhattisgarh Through Police Station Sankra, District
Mahasamund, Chhattisgarh. **---- Respondent**

For Appellant	: Mr. Vaibhav Singh, Advocate
For Respondent	: Mr. Mateen Siddiqui, Dy. AG

D.B.: Hon'ble Shri Justice Manindra Mohan Shrivastava

Hon'ble Smt. Justice Vimla Singh Kapoor

Order on Board

Per Manindra Mohan Shrivastava, J.

02/07/2021

This appeal is filed by the appellant/accused aggrieved by order dated 16.02.2021 passed by Court of Special Judge (NIA Act), Bilaspur in Crime No. 20/2021 by which his bail application has been rejected.

2. Learned counsel for the appellant at the outset submits that in addition to appellant having an arguable case on merits, in the present case the only offence registered and charge-sheet filed is on the allegation of commission of offence under Section 489 C of the IPC which is bailable in nature. He would submit that as only bailable offence has been registered, the appellant is liable to be released on bail as a matter of right, subject to the furnishing bail to the satisfaction of the arresting officer.

3. On the other hand, State counsel would submit that the vehicle in which the appellant was going along with another person, large number of fake currency notes were found and therefore, the offence has been registered against him.

4. Without going into other aspects of the matter and on the disclosure as has been made by learned Deputy Advocate General from the contents of the case diary as well as the charge-sheet which has now been filed against the appellant, the only allegation is for commission of offence under Section 489 C IPC which is clearly a bailable offence. Even then the appellant kept on moving various applications before the Court below seeking bail without furnishing bail before the concerned arresting police officer as the only offence registered against him under Section 489C IPC. The learned Court below was also not apprised of the same. Therefore, the impugned order is set aside. It is directed that in case the appellant furnishes bail before the concerned arresting officer to his satisfaction, the offence being bailable in nature, he shall be released on bail.

5. Accordingly, Appeal is allowed to the extent indicated above.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Sd/-
(Vimla Singh Kapoor)
Judge