

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRA No. 515 of 2021**

- Tiharu Koshle @ Pandit S/o. Late Bhondal Das Aged About 43 Years R/o. Sonbarsha, Thana Pipariya, District Kawardha (Chhattisgarh)

---- Appellant

Versus

- State Of Chhattisgarh Through The Police Station Tumgaon, District Mahasamund (Chhattisgarh)

---- Respondent

For Appellant	:	Shri J.K.Gupta, Advocate
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****22/06/2021**

Heard.

This appeal is directed against impugned order dated 06/04/2021 by which, the appellant's bail application was rejected by the learned Special Judge (NIA).

2. Learned counsel for the appellant would submit that the allegation of appellant involved with other co-accused is false and frivolous because from the possession of the appellant, only 5 fake currency notes are alleged to have been recovered and it is not a case of the prosecution that large number of fake currency notes were handed over and given by the appellant to the complainant. Next submission is that the appellant is in jail since 29/08/2019 and till date, trial has not been concluded nor likely to be concluded early. It is submitted that though bail applications of co-accused Jaykumar Anant, Dinesh Banjara, Hanuman Dhritlahre

and Narendra Mohle were rejected by the Court below and the appeal also dismissed by this Court in Cr.A.No.514/2020, Cr.A.No.586/20 and Cr.A.No.587/20 filed by remaining co-accused, at this distance of time, when the trial has not been concluded, the appellant may be released on bail. The case of the present appellant is different.

3. Learned State counsel, on the other hand, would submit that from the possession of the present appellant, only 5 fake currency notes were seized, prosecution case is that the appellant had accompanied the co-accused, Dinesh Banjara, Hanuman Dhritlahre, Jaykumar Anant to the house of the complainant where fake currency notes of Rs.3,70,000/- were handed over in the name of doubling the amount invested and the appellant and the co-accused, all were taken into custody from the spot along with large number of fake currency notes and the bail application of all the co-accused has been rejected by this Court in Cr.A.No.514/20, Cr.A.No.586/20 and Cr.A.No.587/20 on 24/11/2020.

4. We have heard learned counsel for the parties and perused the order passed by the Court below.

5. As far as present appellant is concerned, the allegations against him is that he also accompanied Dinesh Banjara, Hanuman Dhritlahre, Jaykumar Anant to the house of the complainant. However, the material does not show that he himself was carrying or that he had handed over large number of fake currency notes to the complainant. According to the prosecution also, only 5 fake currency notes are said to have been recovered from this appellant. Further, it is found that the trial has remained pending since long and the appellant is in jail since 29/08/2019. The bail applications of co-accused were rejected in different appeals by this Court on 24/11/2020. Further, this Court finds that the case of the present appellant is not identical as compared to other accused.

Dinesh Banjara is involved as a person who was engaged in taking and giving huge amount of money. From the possession of co-accused Hanuman Dhritlahre, large number of fake currency notes are said to be recovered. From the co-accused – Jaikumar Anant, 5 fake currency notes are said to be recovered and against other co-accused – Narendra Mohle, allegations are that this accused is involved in printing fake currency notes. The memorandum of appellant – Tiharu Koshle shows that it has been disclosed by him to the police that he was made to accompany the other co-accused by offering him some amount and he was given Rs.10,000/- which itself was fake currency and therefore, he is also cheated. Moreover, this Court found that the appeal of co-accused was rejected on 24/11/2020 whereas, as on today, the appellant has undergone 1 year and 10 months of pre-trial detention as he is in jail since 29/08/2019. Therefore, considering the aforesaid, mainly on the ground of delay in trial, we are inclined to interfere with the order of rejection of bail application and grant bail to the appellant – Tiharu Koshle.

6. Accordingly, this appeal is allowed. The impugned order is set aside. It is directed that the appellant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- along with two local sureties for the like amount to the satisfaction of the Trial Court on the condition that -

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