

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRA No. 556 of 2021**

- Avinash Fule S/o Late Subhash Fule, Aged About 24 Years R/o W.R.S Colony, Adarsh Colony, Khamtarai, Raipur, District - Raipur Chhattisgarh

---- Appellant**Versus**

- State Of Chhattisgarh Through - Station House Officer, Police Station - Pithora, District - Mahasamund Chhattisgarh

---- Respondent

For Appellant : Shri Prabhakar Tiwari, 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****02/07/2021**

Heard.

This appeal is directed against order dated 21/05/2021 passed by Special Judge (NIA Act), Bilaspur (CG) by which appellant's bail application has been rejected.

Learned Court below rejected bail application of the appellant taking into consideration the seizure of fake currency notes.

2. Learned counsel for the appellant would submit that in the present case, the charge sheet does not contain any document towards compliance of mandatory provisions contained in Section 6 of the NIA Act, 2008 wherein, it is mandatory to inform the Central Government, information as described under Sub-Section 1 of Section 6. He would submit that there is no material to show that Central Government has passed any order in terms of Sub-Section 5 of Section 6. Therefore, the entire investigation itself is illegal and without jurisdiction.

It is next submitted that as far as present appellant is concerned, from his possession, some fake currency notes of different denominations have been seized and no material or apparatus used for printing fake currency notes has been seized from his possession. Therefore, the only offence which could be charged against the appellant is under Section 489 (C) of IPC which is bailable in nature. He submits that investigation is complete, charge sheet has filed and the appellant is in jail since 27/12/2020 and there is no likelihood of early conclusion of trial because of the pandemic situation. Therefore, the appellant ought to have been released on bail.

3. On the other hand, learned State counsel would submit that the ground relating to non-compliance of Section 6 of NIA Act has not been raised in the memo of appeal but even then, as directed by this Court, information was obtained and in the case diary, a memo dated 07/01/2021 has been placed which shows that information regarding registration of offence was sent by Superintendent of Police, Mahasamund to the Director General of NIA, New Delhi and there is no order on record to show that there is any order under Sub-Section 5 of Section 6 of NIA Act was passed by the Central Government to hand it over to the investigating agency. He would further submit that in the present case, upon receipt of secret information, when the police raided, at one place, present appellant and other two accused were found and from the same place, between 8:25 AM to 8:45 AM, various recoveries have been made from different accused which included color printer, huge number of fake currency notes, colour, cutter, blank papers used for printing notes, genuine currency notes in the denomination of Rs.10, Rs.20, Rs.50 etc. Therefore, it is clear that all the accused were acting in concert and were engaged in printing fake currency notes for being circulated.

4. Considering the submission of learned counsel for the parties, this Court finds that even though no specific ground was raised in the memo of appeal regarding non-compliance of Section 6 of the NIA Act, nevertheless, the diary contains memo dated 07/01/2021 of Superintendent of Police, Mahasamund sending information in the nature of Sub-Section 1 of Section 6 of the NIA Act. True it is, as far as present appellant is concerned, from his possession, two fake currency notes, which is alleged to have seized, we find that all the apparatus and other articles which are used for printing fake currency notes

were seized at the same spot and at the same time and apparatus was seized when fake currency notes were allegedly seized from the present appellant. Three accused were found at one place. The articles like printer, cutter, colour, plain paper, genuine notes and fake currency notes large in number were found and seized. Therefore, in our considered opinion, there is no illegality in the order passed by the Court below rejecting appellant's bail application.

We further find, in the present case, though charge sheet has been filed, it cannot be said that there is so much delay in trial which by itself could be made a ground to seek bail as the appellant is in jail only since 27/12/2020. Therefore, on that ground also, no case is made out for grant of bail.

5. Therefore, we do not find any illegality in the order passed by the Court below in rejecting the bail application. The appeal is, accordingly, dismissed.

Sd/-

(Manindra Mohan Shrivastava)
Judge

Sd/-

(Vimla Singh Kapoor)
Judge