

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRA No. 708 of 2021**

- Surendra Kumar S/o Nandu Tati Aged About 28 Years R/o Chandipur, Varisliganj, District Navada Bihar

---- Appellant**Versus**

1. State Of Chhattisgarh Through Police Station Cyber Cell, Head Office New Raipur, District Raipur Chhattisgarh
2. National Investigation Agency Through Superintendent House No. D - 1, Officer Colony Raipur Chhattisgarh

---- Respondents

For Appellant : Shri Atanu Ghosh, Advocate

For State : Shri Ashutosh Mishra, Panel Lawyer

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

Order On Board**24/09/2021**

Heard.

This appeal is directed against order dated 28/05/2021 by which, the appellant's application for grant of bail has been rejected by the NIA Court.

2. The applicant and co-accused are involved in the alleged commission of offence counterfeiting, possessing and circulating fake currency notes. According to the prosecution, as far as present appellant is concerned, he is also involved, as he used to give calls, cheat and commit fraud on customers.

3. Learned counsel for the appellant would submit that as far as present appellant – Surendra Kumar is concerned, involvement of the appellant is not on the basis of recovery of fake currency but it is alleged that from his possession,

mobile set, sim, pass-book has been collected whereas those, who have found to be possessed of fake currency notes and involved in allegation of printing fake currency notes namely Sanjeet Kumar Tanti, Ramlagan Kumar and Anjali Kumari have been granted bail. He would further submit that the other co-accused Gulshan Kumar and Vikas Kumar, who are said to be involved in the alleged commission of offence have also been granted bail by this Court. It is further submitted that the appellant is in jail since 18/12/2020 and there is no progress in the trial. Therefore, at this stage, the appellant may also be granted bail and there is no likelihood of he absconding nor he is in a position to tamper with the prosecution witness.

4. On the other hand, learned State counsel submits that the appellant is the accused who was involved in running a private financial institution collecting customers to provide them finance and other co-accused help him counterfeiting fake currency notes and in this manner, they have cheated and committed fraud.

5. The application of the appellant has been rejected by the Court below taking into consideration seizure of mobile phone, sim and pass-book of particular account. We have already allowed application of Sanjeet Kumar Tanti, Ramlagan Kumar, Anjali Kumari, Gulshan Kumar and Vikas Kumar. From the possession of other co-accused, some fake currency notes are also alleged to have been seized and there are allegations of counterfeiting currency by printing. All of them are facing trial. Considering the pre-trial detention, no material progress in the trial and that the other co-accused have been granted bail, further considering that in the event of grant of bail, the appellant is not likely to abscond or tamper with the prosecution witnesses, this appeal is allowed. The order rejecting bail application is set aside. The appellant is entitled to be released on bail.

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 one local surety 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