

HIGH COURT OF CHHATTISGARH, BILASPUR**CRA No.749 of 2020**

- Bhupendra Kumar Jangde S/o Kamta Prasad Jangde Aged About 26 Years R/o Udkaakan, Thana Sarsiva, Baloda Bazar, District Balauda Bazar Chhattisgarh, District : Balodabazar-Bhathapara, Chhattisgarh

---- Petitioner**Versus**

- State Of Chhattisgarh Through District Magistrate Bilaspur Through Police Station Mahasamund District Mahasamund Chhattisgarh, District : Mahasamund, Chhattisgarh

---- Respondent**CRA No.1009 of 2020**

- Ramdas Banjara @ Kalaram S/o Kriparam Banjara Aged About 68 Years R/o Gram Jaitpur, P.S. Sarseeva, Tehsil Bhilaaigarh, District Balaudabazar, Bhatapara,. Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

---- Petitioner**Versus**

- State Of Chhattisgarh Through The Station House Officer, Police Station Mahasamund, District- Mahasamund (Chhattisgarh), District : Mahasamund, Chhattisgarh

---- Respondent**Cr.A.No.749 of 2020**

Shri JK Gupta, counsel for appellant

Cr.A.No.1009 of 2020

Shri Abhishek Sinha, Sr. Advocate with Shri Aditya Pandey, Advocate for appellant.

Shri Ravish Verma, GA for the State in both appeals.

Division Bench: Hon'ble Shri Justice Manindra Mohan Shrivastava & Hon'ble Smt. Justice Vimla Singh Kapoor
Order On Board

15/06/2021

1. These two appeals are being disposed off by a common order as both appeal arises out of the same crime number.

2. These two appeals have been filed by the appellants-accused arising out of an order dated 21-08-2020 and 31-10-2020 passed by the learned Special Judge, N.I.A Court, Bilaspur, rejecting application for grant of bail filled by the appellant accused for commission of offence under Section 489-A, 489-B, 489-C, 489-D read with Section 34 of the IPC in Crime No.377/2020 registered by the police of Police Station-Mahasamund, District Mahasamund.

3. Prosecution case is that the appellants are involved in counterfeiting currency notes and were found in possession of the same.

4. Learned Senior counsel for the appellant-Ram Das Banjara would argue that the prosecution case of appellant having been found in possession of the counterfeit currency notes is doubtful and smacks of false implication and according to the police, the appellant was intercepted on the way at 06.45 AM, but no seizure was effected from him, which shows that nothing was found from the possession of the appellant, but, later on, the memorandum statement was recorded, in which, it is said that the appellant was found in possession of huge number of fake currency notes and that disclosure statement was given by the appellant that he is involved in counterfeiting currency notes and possessed of instruments and material required for counterfeiting currency notes. It is next submitted that though, according to the police, certain items like Computer, Printer, Bond Paper etc. have been seized from the house of the appellant, but, it has also come in the charge sheet that this appellant runs photocopy shop and presence of these items in the photocopy shop, otherwise in any house, are very common. He would submit that no specific material to prima facie make out a case of any activity of printing counterfeit currency notes has been seized. Neither any dye has been seized nor anything has been retrieved from the hard disc of the computer to prima facie show that it saved the photo of currency note of Rs.500/- & Rs.100/-. Therefore, no prima facie case of commission of offence under Section 489-A or 489-B of the IPC is made out. Learned Senior Counsel for the appellant would further submit that it is not a case where currency notes were found being used by the appellant, but, at the most, prosecution case of possession of counterfeit currency notes, offence under Section 489-C of the IPC could be registered, which is bailable offence punishable with maximum sentence of 7 years or fine. Learned Senior Counsel would further submit that in this case, investigation is complete and charge sheet has been filed and the appellant is in jail for 11 months. It is also submitted that report of the Forensic Science Laboratory has not been received, but, only on the basis of report of

the bank authority, entire case has been built up that the appellants were possessed of counterfeit currency notes.

5. Shri JK Gupta, learned counsel for the appellant-Bhupendra Kumar Jangde submits that as far as the present appellant-accused is concerned, the only case made out against him is that he was in possession of certain counterfeit currency notes, but there is no evidence of he being involved in counterfeiting currency notes or possessed of material to be used for counterfeiting currency notes, therefore, no case for commission of offence under Section 489-A or 489-B of the IPC is made out, but, at the most, prosecution case of possessing counterfeit currency notes, offence under Section 489-C of the IPC could be registered, which is bailable offence punishable with maximum sentence of 7 years or fine.

6. On the other hand, learned State counsel would submit that as per prosecution case, Mukhbir information was received regarding counterfeiting and transporting currency notes by the appellants. He would next submit that the appellants are not only involved in the alleged commission of offence of counterfeiting currency notes, but also possession of the same. According to learned State counsel, from the appellant-Ram Das Banjara, huge number of counterfeit currency notes being five number of fake currency notes of Rs.500/- denomination and 45 number of fake currency notes of Rs.100/- denomination were seized from him at the spot and on the basis of his memorandum, his house was raided, material used for counterfeiting currency notes, which included Computer, Printer, Bond Paper etc. were seized and from his house also, 30 numbers of fake currency notes of Rs.500/- denomination and 50 numbers of fake currency notes of Rs.100/- denomination were seized and the presence of large number of counterfeit currency notes from the possession of the two appellants and the material found in their house, prima facie makes out a case of commission of offence under Section 489(A), 489(B), 489(C) & 489(D) of the IPC. He would also submit that the offences under Section 489(A), 489(B) & 489(D) of the IPC are punishable with life imprisonment. He would further submit that though, trial has not been concluded, but it cannot be said that the appellants have remained in jail for a long period, therefore, they are not entitled to be released only on the ground of delay in trial. He would lastly submit that though report of the Forensic Science Laboratory has not been received, but report of the bank authority prima facie constitute material that the currency notes seized from the possession of the appellants are counterfeit currency

notes.

8. The material disclosed before this Court prima facie shows that from the possession of the appellants-accused, huge number of counterfeit currency notes have been seized and from the house of the appellant-Ram Das Banjara, materials, which are ordinarily used for counterfeiting currency notes, have been seized. From the house of another appellant also, large number of counterfeit currency notes have been recovered. The appellants are alleged to be involved in the entire process of counterfeiting and circulating fake currency notes. Though, report of the Forensic Science Laboratory has not been received, report of the bank authority that currency notes appear to be counterfeit currency notes.

9. True, it is that the trial has not been concluded till date and the appellants are in jail since last 11 months, but, offences alleged against them are serious in nature and it cannot be said to be petty offence. Therefore, keeping in view the totality of the circumstances, this Court does not find any good ground to interfere with the order rejecting bail application of the two appellants.

10. Accordingly, both appeals (Cr.A.No.749 & 1009 of 2020) are dismissed. However, the appellants would be at liberty to revive their appeals, if there is undue delay in conclusion of trial.

SD/-
(Manindra Mohan Shrivastava)
Judge

SD/-
(Vimla Singh Kapoor)
Judge