

HIGH COURT OF CHHATTISGARH, BILASPUR**CRA No. 1037 of 2021**

Bharti Prasad Lahre S/o Bhagwati Prasad Lahre, aged about 21 years
R/o Pondi, Police Station: Kota, District : Bilaspur, Chhattisgarh

---- Appellant

Versus

State of Chhattisgarh through Station House Officer, Police Station
Janjgir, District : Janjgir-Champa, Chhattisgarh

---- Respondent

For Appellant	: Mr. Amit Kumar, Advocate.
For Respondent/State	: Mr. Ghanshyam Patel, G.A.

Hon'ble Shri Justice Sanjay K. Agrawal and
Hon'ble Shri Justice Arvind Singh Chandel

Order on Board
29.10.2021

Sanjay K. Agrawal, J.

1. This criminal appeal preferred under Section 21 (4) of the National Investigation Agency Act, 2008, is directed against the order dated 31.08.2021, passed by learned Special Judge (NIA) Bilaspur, Chhattisgarh by which the appellant's application u/s 439 of Cr.P.C. for grant of bail in Crime No.4/2021 for offences under Section 489 (B) and 489 (C) of the IPC has been rejected, finding no merits.
2. The case of the prosecution is that 12 pieces of counterfeit currency notes of Rs.200/- have been found from the possession of the present appellant and thereby, the appellant has committed an offence. On the basis of aforesaid allegation, offence has been registered. During course of investigation, on 03.01.2021, the Appellant was arrested. Hence, this appeal.

3. Mr. Amit Kumar, learned counsel appearing on behalf of the appellant would submit that though the appellant has been arrested on 03.01.2021 for offences under Section 489 (B) and (C) of the IPC for using forged counterfeit currency notes and having possession of it but, there is no report of RBI certifying the illicit notes as forged or counterfeit and trial has commenced against the appellant. The complainant has been examined and he has not supported the case of prosecution. The appellant is kept in custody since 03.01.2021 after filing of charge-sheet. As such no useful purpose will be served by further detaining the appellant in jail and the chances of his conviction are bleak and no further custodial interrogation is required, therefore, the impugned order is liable to be set aside. Hence, it is prayed that the Appellant may be released on bail.
4. Learned State counsel would support the impugned order and submit that offence under Section 489 (B) and (C) of the IPC is just and proper, therefore, the appellant is not entitled to be released on bail and the bail application of the appellant has rightly been rejected by learned Special Judge, NIA.
5. We have heard learned counsel for the parties and consider their submissions and gone through the record of the Trial Court.
6. Taking into consideration the nature and gravity of offence and facts and circumstances of the case and considering the pre-trial detention of the appellant from 03.01.2021, it would be appropriate to set aside the impugned order of learned Special Judge, NIA and accordingly, without further commenting on merits of the case, we are inclined to release the appellant on bail.

7. Accordingly, the appeal is allowed. The impugned order is set-aside.

8. It is directed that the Appellant shall be released on bail on executing a personal bond for a sum of Rs. 50,000/- with one surety for the like sum to the satisfaction of the concerned Trial Court on the following conditions:

- (i) he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such fact to the Court,
- (ii) he shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (iii) he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.
- (iv) he shall not involve himself in any offence of similar nature in future or else this order granting bail to the applicant shall automatically stand cancelled without further reference to the Bench.

Sd/-

(Sanjay K. Agrawal)
Judge

Sd/-

(Arvind Singh Chandel)
Judge