

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRA No. 977 of 2020

Bisikeshan Pradhan S/o. Diwakar Pradhan, aged about 54 years, R/o. Village Bhadaarpuri, Post Kurlupali, District Bargarh (Odisha)

---- Appellant

Versus

State of Chhattisgarh Through Station House Officer- Police Station
Basna, District Mahasamund (CG)

---- Respondent

For the Appellant	:-	Mr. Sumit Singh Rathore along with Mr. Jitendra Shukla, Advocates
For the respondent	:-	Mr. Mateen Siddiqui, Dy. AG with Mr. Lalit Jangade, Dy. GA

Hon'ble Shri Justice Manindra Mohan Shrivastava
Hon'ble Smt. Justice Vimla Singh Kapoor,

Order on Board By Manindra Mohan Shrivastava, J.

22.02.2021

1. This appeal arises out of order dated 16.10.2020, by which the appellants' application for grant of bail has been rejected by the Special Judge (N.I.A.) Bilaspur, (CG).
2. Learned counsel for the appellant would argue that looking to the maximum sentence which would be awarded under Section 489 (c) IPC, is 7 years which is bailable. He would next argue that the appellant is in jail since 29.06.2020 and almost eight months have been elapsed. He would argue that the charge

sheet has already been filed and there is no past criminal antecedents of the appellant and the trial is not concluded till date. Therefore, the appellant is entitled for grant of bail and the learned trial Court has illegally rejected the bail application.

3. Learned counsel for the State submits that according to the prosecution the appellant was found to be possessed of huge counterfeit currency notes of various denominations. He would submit that the appellant was found driving a scooty and the other persons who were sitting along with him were found in possession of counterfeit currency notes of Rs. 60,000/- and in the vehicle which was driven by the appellant currency notes of Rs. 15,000/- were found kept therein.
4. We have heard arguments of learned counsel for the parties. The appellant is alleged to have committed offence under Section 489 (c) IPC for which maximum punishment is seven years. The investigation has been completed and the charge sheet has been filed but the trial has not been completed as yet and there is no criminal antecedents of the appellant with regard to commission of criminal offence. This Court has also taken into consideration the submission of the counsel for the appellant that appellant did not own the vehicle and huge amount of currency seized from the possession of the other co-accused.
5. Considering the aforesaid submission, particularly taking into consideration the detention of about eight months and that trial

has not been concluded till date, and further the charge sheet has been filed, we are of the view that the appellant is entitled to grant bail, at this stage, though with appropriate conditions to ensure his presence during trial.

6. As a result, the appeal of the appellant is allowed. The impugned order rejecting bail application is set aside. The appellant shall be released on his furnishing personal bond of Rs. 25,000/- with two local sureties to the satisfaction of the trial Court for his continued appearance before the trial Court, during trial.

7. Accordingly, this appeal is allowed.

Sd/-

Manindra Mohan Shrivastava
Judge

Sd/-

Vimla Singh Kapoor
Judge