

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRA No. 90 of 2021**

- Jayant Kumar Yadav S/o - Raesh Kumar Yadav Aged About 34 Years R/o - Village Temri, Sakra District Mahasamund Chhattisgarh (Wrongly Mentioned As Village Sontemri In Impunged Order)

---- Appellant**Versus**

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

---- Respondent

For Appellant : Shri Awadh Tripathi, Advocate

For State : Shri Anurag Verma, Panel Lawyer

D.B.:- Hon'ble Shri Justice Manindra Mohan Shrivastava**Hon'ble Smt. Justice Vimla Singh Kapoor****Order On Board****16/07/2021**

This appeal arises out of order dated 05.12.2020, by which, the appellant's application for grant of bail has been rejected by the Sessions Judge, 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 28.06.2020 and almost eight months have elapsed. He would argue that charge sheet has already been filed and there is no past criminal antecedent of the appellant and the trial has not been 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 sitting in a scooty driven by the co-accused and from the possession of the applicant, fake currency notes of Rs.60,000/- and from the possession of the other co-accused, Rs.15,000/- were found.

4. We have heard arguments of learned counsel for the parties.

5. The appellant is alleged to have committed offence under Section 489 (C) IPC of being possessed of counterfeit currency. According to learned counsel for the applicant, mere possession would only make out a case of commission of offence under Section 489 (C) IPC and no other offences are alleged in the absence of circulation or counterfeiting of currency. It is submitted that maximum punishment for commission of offence under Section 489 (C) IPC is 7 years. Investigation is complete and charge sheet has been filed but the Trial has not been concluded as yet. No other criminal antecedent of the appellant is stated with regard to commission of offence. The co-accused - Bisikeshan Pradhan has been granted bail by this Court allowing the appeal Cr.A.No.977/2020 vide order dated 22/02/2021.

6. 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 that 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.

7. 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.

Sd/-

(Manindra Mohan Shrivastava)
Judge

Sd/-

(Vimla Singh Kapoor)
Judge