

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRA No. 1936 of 2019**

- Dr. Vijay Kumar Verma S/o Ramadhar Verma Aged About 50 Years R/o Birgaon, Police Station, Urla, District : Raipur, Chhattisgarh

---- Appellant**Versus**

- State Of Chhattisgarh Through The Police Station Tumgaon, District : Mahasamund, Chhattisgarh

--- Respondent

For Appellant	:	Mr. J.K. Gupta, Advocate.
For State	:	Ms. Fouzia Mirza, Additional A.G.

DB : Hon'ble Shri Justice Manindra Mohan Shrivastava**Hon'ble Smt. Justice Vimla Singh Kapoor****Order On Board****01/03/2021**

Heard.

1. This is appeal under Section 21 of the N.I.A. Act, 2008 preferred against order dated 07.11.2019 passed in Special Case (NIA) No.03/2016 by the Learned Special Judge (N.I.A.), District- Bilaspur, (C.G.), by which appellant's application for grant of bail has been rejected.
2. The appellant has been arrested under Crime No.195/2014 registered at Police Station- Tumgaon, District : Mahasamund, (C.G.) on the allegation of having committed offence under Section 489(A)(B)(C)(D) of N.I.A. Act and Section 34 of I.P.C.
3. Argument of learned counsel for the appellant is that learned Court below was swayed by the recoveries made in another crime number, to reject the bail application of the present appellant, whereas, in the present case, against the appellant, there is no admissible evidence in the record and charge sheet. He would submit that memorandum of other co-accused involving the present appellant, is no evidence unless leads to discovery of fact and that alone

would be admissible. Since recovery has been made on the basis of memorandum of the co-accused, present is a case of no evidence and the appellant has been acquitted in the other crime number.

4. On the other hand, learned State Counsel opposes and submits that the appellant is habitual offender and earlier a criminal case was registered against him for commission of offence under the same penal provision of IPC. It is submitted that though no recovery has been effected, the co-accused David in his memorandum clearly involved the present appellant in counterfeit currency offence.
5. We find that the material contained in the charge sheet against the present appellant is to the effect that when co-accused David was arrested, he gave memorandum statement involving present appellant. However, that memorandum has not led to discovery of any incriminating fact connecting the present appellant and that investigation is complete, charge sheet has been filed, appellant is in jail and trial is not being concluded early, considering the aforesaid circumstances, we consider that present is a fit case for grant of bail to the appellant. Accordingly, this appeal is allowed. The order of the Court below is set aside.
6. The appellant shall be released on bail on his furnishing a personal bond of Rs.50,000/- along with one local surety of the like amount to the satisfaction of the Trial Court, for his appearance before the concerned trial Court on each and every date as may be directed, unless exempted from appearance.

Certified copy as per rules.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Sd/-
(Vimla Singh Kapoor)
Judge