

(2021) 08 MP CK 0074

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No.38582 Of 2021

Ankit @Ketan

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

Date of Decision : 11-08-2021

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 439

Indian Penal Code, 1860 — Section 120B, 498A, 498B, 498C

Citation : (2021) 08 MP CK 0074

Hon'ble Judges : Rajeev Kumar Dubey, J

Bench : Single Bench

Advocate : Saurabh Bhushan Shrivastava, Ravindra Rjpur

Final Decision : Allowed

Judgement

Rajeev Kumar Dubey, J

This is the first bail application filed under section 439 Cr.P.C. Applicant Ankit @ Ketan was arrested on 16/9/2020 in Crime No.455/2020 registered

at Police Station Kohefiza, District Bhopal (M.P.) for the offence punishable under Sections 489-A, 489-B, 489-C and 120-B of IPC.

As per prosecution case, on 18.07.2020 co-accused Mukesh Yadav went to English Liquor shop located at Lalghati, Bhopal and tried to circulate

counterfeit note of Rs.100/-. At that point of time, Nitin Ahirwar, Sub-Inspector, Police Station Kohefiza, who was on patrolling, reached there and

arrested co-accused Mukesh Yadav and seized 6 counterfeit currency notes of Rs.100/- total Rs.600/- from his possession. On interrogation, co-

accused Mukesh Yadav informed the police that the said notes were given to him by co-accused Habib, who is the friend of his employer Sanjay

Singh Bundela and he also informed the police that co-accused Habib and Sanjay

Singh Bundela are sitting in a Scorpio jeep bearing registration

No.MP-11-CC-1598. On that, Nitin Ahirwar, Sub-Inspector along with other members of the police force went to the spot, where he found that one

Scorpio jeep bearing registration No.MP-11-CC-1598 was parked at Lalghati near Petrol Pump under the bridge. On seeing the police, one person

who was sitting on the driver seat of the jeep (later identified as co-accused Habib) fled away from the spot. He arrested co-accused Sanjay Singh

Bundela, who was also sitting in that vehicle. On searching, co-accused Sanjay Singh Bundela, counterfeit currency notes of Rs.100/- worth

Rs.65,000/- were found, which were kept by Sanjay Singh in his vest's pocket. On interrogation, co-accused Sanjay Singh Bundela informed the police

that co-accused Habib had given those currency notes to him in lieu of Rs.32,000/-. Police registered Crime No.455/2020 for the offence punishable

under Section 489-A, 489-B, 489-C of IPC at Police Station Kohefiza and investigated the matter. During the investigation, it was found that applicant

Ankit @ Ketan and co-accused Sandeep @ Shaky, Tabrej Khan and Ayush used to prepare counterfeit currency notes in the house of co-accused

Tabrez and they gave counterfeit currency notes to accused Habib. On that, police arrested applicant Ankit @ Ketan and seized 60 counterfeit

currency notes of Rs.100/- total Rs.6,000/-from his possession and also seized one colour printer and other instruments used in preparing counterfeit

note from the house of applicant Ankit @ Ketan and co-accused Ayush and also seized 25 counterfeit notes of Rs.100/- total Rs.2,500/- from the

possession of co-accused Ayush Piyani, seized 38 counterfeit notes of Rs.100/- total Rs.3,800/- from the possession of co-accused Sandeep Shaky

and seized 53 counterfeit notes of Rs.100/- total Rs.5,300/- from the possession of co-accused Tabrej Khan and arrested them.

Learned counsel for the applicant submits that applicant is innocent and has falsely been implicated in the offence. He further submitted that the co-

accused persons namely Khalid Qureshi, Habib Khan, Sanjay Singh Bundela, Sandeep Shaky and Ayush Piyani have already been released on bail by

this Court vide orders dated 02/12/2020, 8/6/2021, 8/6/2021, 29/6/2021 & 29/6/2021 passed in M.Cr.C.Nos.44325/2020, 20504/2021, 20866/2021,

19749/2021 and 21318/2021, so the applicant is also entitled for grant of bail on the basis of parity. The applicant has been in custody since 16/9/2020,

charge sheet has been filed and the conclusion of the trial will take time, hence prayed for the release of the applicant on bail.

Learned counsel for the respondent/State opposed the prayer and submitted that sufficient evidence is available on record to connect the applicant

with the offence in question. So, he should not be released on bail.

Looking to the facts and circumstances of the case and the fact that the T co-accused persons namely Khalid Qureshi, Habib Khan, Sanjay Singh

Bundela, Sandeep Shaky and Ayush Piyani have already been released on bail by this Court vide orders dated 02/12/2020, 8/6/2021, 8/6/2021,

29/6/2021 & 29/6/2021 passed in M.Cr.C.Nos.44325/2020, 20504/2021, 20866/2021, 19749/2021 and 21318/2021, charge sheet has been filed, the

applicant is in custody since 16/9/2020, charge sheet has been filed and the conclusion of the trial will take time, without commenting on the merits of

the case, the application is allowed and it is directed that the applicant be released on bail upon his furnishing personal bond in the sum of Rs.50,000/-

(Rs. Fifty Thousand Only) with one surety in the like amount to the satisfaction of the concerned C.J.M/trial Court for his appearance before the trial

Court on all such dates as may be fixed in this behalf by the trial Court during the pendency of trial.

This order will remain operative subject to compliance of the following conditions by the applicant :-

Â 1.The applicant will comply with all the terms and conditions of the bond executed by him;

Â 2.The applicant will cooperate in the trial;

Â 3.The applicant will not indulge himself in extending inducement, threat or promise to any person acquainted with the fact of the case so as to

dissuade him from disclosing such facts to the Court or to the Police Officer, as the case may be;

Â 4.The applicant shall not commit an offence similar to the offence of which he is accused;

Â 5.The applicant will not seek unnecessary adjournments during the trial;

Â and

Â 6.The applicant will not leave India without prior permission of the trial Court.

Â C.C. as per rules.

À À