
(2018) 09 CHH CK 0388

In the Chhattisgarh High Court

Case No : Miscellaneous Criminal Case (MCRC) No. 3751 Of 2018

Gulshan Dhiwar @ Krishana Kumar Dhiwar And Ors

APPELLANT

Vs

State Of Chhattisgarh

RESPONDENT

Date of Decision : 25-09-2018

Acts Referred:

Indian Penal Code, 1860 — Section 489B, 498C
Code Of Criminal Procedure, 1973 — Section 439

Citation : (2018) 09 CHH CK 0388

Hon'ble Judges : Goutam Bhaduri, J

Bench : Single Bench

Advocate : Y.C. Sharma, Sameer Behar

Final Decision : Allowed

Judgement

Goutam Bhaduri, J

1. This is the second bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have

been arrested in connection with Crime No.428/2017 registered at Police Station-Out Post Sargaon, Police Station Pathariya, District Mungeli (C.G.)

for the offence punishable under Section 489-B & C (as per the final report Section 489-A is not appear) of I.P.C.

2. The First Bail application was dismissed on 28.03.2018 vide M.Cr.C. No.361 of 2018.

3. Case of the prosecution, in brief, is that certain persons other than the applicants after purchase of articles has tendered a currency note, which

were on doubt found to be fake. Subsequently, during investigation, the applicants were apprehended and on their memorandum from Gulshan Dhiwar

(Applicant No.1) Rs.26,400/- and from Prahalad Shrivastava (Applicant No.2)

Rs.18,200/- fake currency notes were recovered.

4. Learned counsel for the applicants submits that after rejection of the earlier bail on 28.03.2018, the bail has been granted to the main accused

namely Bhuneshvar and Sunder Lal Kashyap vide M.Cr.C. Nos.915 & 916 of 2018 on 06.04.2018 by the co-ordinate Bench of this Court and the

case of those co-accused was more serious than the present applicants, therefore, the applicants may also be released on bail.

5. State counsel do not oppose the fact that the main accused has been enlarged on bail by the co-ordinate Bench.

6. Considering the fact that the main accused has been enlarged on bail by the Co-ordinate Bench and the six months have passed after the rejection

of the earlier bail and further taking into that the applicants are in jail since 25.08.2017, I am inclined to release the applicants on bail.

7. Accordingly, the application is allowed and the applicants are directed to be released on bail on each of them executing a personal bond in sum of

Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. They are directed to appear before the trial Court on each and every

date given by the said Court.