
(2006) 01 CHH CK 0037
In the Chhattisgarh High Court
Case No : Misc. Cri. Case No. 3353 of 2005

Subhash Prashan

APPELLANT

Vs

State of Chhattisgarh

RESPONDENT

Date of Decision : 27-01-2006

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 439
Penal Code, 1860 (IPC) — Section 489D, 489E

Citation : (2006) 3 MPJR 101

Hon'ble Judges : Sunil Kumar Sinha, J

Bench : Division Bench

Advocate : Yashwant Tiwari, for the Appellant; D.K. Gwalre, P.L., for the Respondent

Judgement

Sunil Kumar Sinha, J.

Heard.

The is an application filed u/s 439 of the Cr. P.C. for grant of regular bail to the applicant who has been taken into custody u/s 489E of the I.P.C.

The submission of the learned counsel for the State is that looking to the allegation made against the present applicant, he would be responsible for the offence punishable u/s 489D of the IPC. He submits that the case of the prosecution is that on 06.6.2004, the co-accused Sharda Kumar tendered counterfeit currency notes of Rs.50/- denomination to one Trilochan Bhoi at Petrol Pump. On suspicion, Trilochan Bhoi reported the matter to the Manager of the Petrol Pump. The investigation commenced and during the course of investigation, memorandum of one co-accused namely Ramesh Bhoi was recorded on 17.6.2004 and on his memorandum, certain articles were seized from the house of Khushi Ram. Learned State counsel submits that in the introductory part of the memorandum, the name of the present applicant comes as one of the persons on whose instance the counter-feit currency notes were

printed. He also submits that earlier, 9 accused persons were arrested and they were put to trial in which 3 accused persons were acquitted and 6 were convicted.

Inviting the attention of this court towards para 25 of the Judgment passed in Sessions Trial no 399/2004 (Annexure A-3), learned counsel for the applicant submits that the appreciation about the memorandum of Ramesh Bhoi has been considered in this paragraph by the trial Court and no offence under the present section, would be made out on the basis of the said memorandum. He prays for releasing the applicant on bail.

On the other hand, learned State Counsel opposes the bail application.

Considering the facts and circumstances of this case, particularly considering the contents of the memorandum of Ramesh Bhoi and also considering the allegations raised against the present applicant, I am of the opinion that present is fit case to enlarge the applicant on bail. His application filed u/s 439 of Cr.P.C. is allowed.

It is directed that this applicant shall be released on bail on his furnishing a personal bond in sum of Rs.10,000/- with one surety in the like amount to the satisfaction of the trial Court for his appearance before the said Court on each date of hearing till disposal of the trial.

C.C. as per rules.