



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 21ST DAY OF MARCH, 2025

PRESENT

THE HON'BLE MR JUSTICE SREENIVAS HARISH KUMAR

AND

THE HON'BLE MRS JUSTICE K.S. HEMALEKHA

CRIMINAL APPEAL NO. 1457 OF 2024

Between:

Adithya Singh @ Vivek Thakur
Aged about 23 years,
S/o Late Kalyan Singh
Current Address Ramnagar Colony
Village Banda, Shahjahanpur Mandal,
Uttar Pradesh Pin-242001

Address As Per Aadhar
Pipriya Chouhan Baskera,
Ganpatpur Shahjahanpur,
Uttar Pradesh-242401

...Appellant

(By Sri Nagesha B, Advocate)

And:

National Investigation Agency
Bengaluru,
Represented by Special Public Prosecutor,
High Court Building, Bengaluru-560001

...Respondent

(By Sri C.Sachin, Advocate for
Sri Prasanna Kumar P, Special Public Prosecutor)

This Criminal Appeal is filed u/s 21(4) of NIA Act, praying to enlarge the appellant on bail in R.C.No.02/2023/NIA/BLR after investigation charge sheet was filed which now been numbered as Spl.C.No.580/2024 on the file of the National



Investigation Agency Bengaluru for the offence p/u/s 120B, 420, 489A, 489C, 489D and 511 r/w 489B of IPC, pending before the court of XLIX Additional City Civil and Sessions Judge (Spl. Judge for trial of NIA cases) at Bengaluru by allowing this appeal.

This Criminal Appeal, coming on for dictating judgment, this day, judgment was delivered therein as under:

CORAM: HON'BLE MR JUSTICE SREENIVAS HARISH KUMAR
and
HON'BLE MRS JUSTICE K.S. HEMALEKHA

ORAL JUDGMENT

(PER: HON'BLE MRS JUSTICE K.S. HEMALEKHA)

The present appeal has been filed under Section 21(4) of the National Investigation Agency Act, 2008 ('NIA Act' for short) against the order rejecting the prayer of the appellant for grant of regular bail in Special Case No.580/2024 on the file of XLIX Additional City Civil and Sessions Judge (Special Judge for trial of NIA Cases), Bengaluru registered for the offence punishable under Section 120B, 420, 489A, 489B, 489C, 489D, and 511 of Indian Penal Code, 1860 (for short 'the Code').

2. Heard Sri Nagesha B, learned counsel appearing for the appellant and Sri C.Sachin, Advocate



appearing on behalf of Sri P.Prasanna Kumar, learned Spl.PP for the respondent/NIA and perused the material on record.

3. The Government of India, Ministry of Home Affairs based on the information received that the accused persons are involved in importing of large quantity of counterfeit currency notes / Fake Indian Currency Notes (FICN) from the border countries of India and also printing the same using imported papers and high quality printers for circulating across various States and looking into the gravity of offences by exercising the power under Section 6(5) read with Section 8 of NIA Act, directed the National Investigation Agency (NIA) to take up the investigation. A case was registered by the NIA for the offences punishable under Section 120B, 420 read with Sections 489A, 489B, 489C and 489D of Code.

4. During the course of investigation, searches were conducted at the house of the accused herein and accused No.2, during the search from the house of the



accused FICN of Rs.6,600/- (Rs.500x12, 200x2 and 100x2) were seized along with Indian currency of Rs.70,920/-, white color A4 sized papers with security threads, printer, two mobile phones and a laptop and further during the search of the house of accused No.2, one printer, one mobile phone, one A4 sized paper containing color print of Rs.500/- note were seized. It was further revealed that accused No.1 obtained a SIM card by fraudulent means and created a social media account in instagram with the name '*fake_currency_seller2023*' with an user ID as '*Priya Mehta*' and phone number linked to the said instagram. Both the accused were arrested and they were produced before the Special Court under transit warrant.

5. The accused filed bail applications under Section 439 Code of Criminal Procedure, 1973 seeking regular bail. On hearing, the Special Court granted bail to accused No.2 and by the impugned order rejected the bail application of accused No.1/appellant.



6. Learned counsel for the appellant would contend that accused No.2 has been granted bail when both the accused were charged with the same offence and doctrine of parity should be made applicable to accused No.1. It is submitted that there is no evidence secured by the investigating officer to establish that accused No.1 was selling, buying or using the counterfeit currency notes. The charges leveled against the accused do not fit in the ingredients of offences under sections 489A, 489B, 489C and 489D. The charge-sheet has already been filed, the appellant has been in judicial custody since the date of arrest i.e., 07.12.2023; the appellant has no overt act and would abide by all the conditions that will be imposed by this Court.

7. *Per contra*, the learned counsel appearing for NIA would vehemently submit that accused No.1 for the purpose of circulating FICN, received and possessed FICN; that the appellant has committed a serious offence with an intent and knowledge that the same would cause



monetary instability in the nation, as such, he is not entitled for bail. It is submitted that granting of bail to accused No.2 by the Special Court was for the reason that, there was no material to indicate that accused No.2 was involved in the circulation of FICN, the ground of parity cannot be made applicable in criminal jurisprudence as overt act alleged and material available against each individual differs.

8. This court needs to assess whether there is a *prima facie* case or a reasonable ground made out against the accused to believe his involvement in the alleged crime, the nature and gravity of the offence; whether there is a possibility of the accused absconding, any chances of threatening or tampering of prosecution witnesses.

9. In the investigation it was recorded that accused No.1 was found in possession of forged/counterfeit notes, an offence punishable under section 489C of the Code. Further, the expert opinion



received from Bharatiya Reserve Bank Note Mudran (P) Limited, Mysore is that the notes seized from the house of accused No.1 are not genuine and are *low quality counterfeit Indian Bank Notes*, the investigation did not reveal regarding circulation or attempt to circulate FICN, however, this Court at this stage cannot give any finding whether accused No.1 is involved in the preparation, possession and circulation or not, which is ofcourse a matter of trial. The offences charged upon accused No.1 is under Sections 120B, 420, 489A, 489C, 489D and 511 read with 489B of the Code. Admittedly, the appellant and the co-accused were charged with the same offences punishable as stated supra except 420 of the Code charged in respect of accused No.1. On perusal of the material collected by the investigating officer *prima facie* would at the most attract Section 420 of the Code, the offence that is not punishable with death or imprisonment for life and 489C of the Code a bailable offence, and do not attract Sections 489A, 489B, 489C and 489D of the Code.



10. It is stated that accused No.1 is the permanent resident of Uttar Pradesh and a law abiding person and he would abide by all the conditions that may be imposed by this Court. From the record, it appears that the investigation is completed, charge sheet is submitted and hence, the custody of accused No.1 for further investigation in this case is not required. Accused No.1 is in judicial custody since 07.12.2023, there are no antecedents placed by the prosecution against accused No.1, thus we are of the considered opinion by imposing reasonable conditions on accused No.1, the interest of the prosecution would be safeguarded and a discretion can be exercised by this court for grant of bail and pass the following :

ORDER

The appeal is allowed. Consequently the order dated 29.04.2024 passed in Spl.C.No.580/2024 by the XLIX Additional City Civil and Sessions Judge (Special Court for Trial of NIA Cases) (CCH-50) Bengaluru on the application of accused



No.1/appellant filed under Section 439 of Cr.P.C., is set-aside and the said application is allowed.

The appellant/accused No.1 shall be released on bail subject to following conditions:

- i. He shall execute a personal bond for Rs.1,00,000/- and provide two sureties for the likesum to the satisfaction of the Special Court,*
- ii. He shall not tamper with the evidence collected by the prosecution and threaten the witnesses,*
- iii. He shall not leave the jurisdiction of the Special Court till completion of the trial,*
- iv. He shall furnish the details of his residential address at Bengaluru to the NIA so also to the Special Court,*
- v. He shall furnish his original adhaar card to the Special Court,*
- vi. He shall attend the trial court on all hearing dates without fail,*



vii. He shall furnish his telephone number to the NIA Authority and shall not change his number till completion of trial,

viii. He shall mark his attendance in the register maintained in the office of NIA once in fortnight preferably on a Sunday between 9.00am and 12.00 noon till completion of trial.

Failure of any of the conditions will result in cancellation of bail.

Sd/-
(SREENIVAS HARISH KUMAR)
JUDGE

Sd/-
(K.S. HEMALEKHA)
JUDGE