

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 6159 OF 2015

Shantabai Mangesh Pawar @
Shakuntala Vishnu Pawar & Ors. **APPLICANTS**

V E R S U S

The State of Maharashtra **RESPONDENT**

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Mr. K.B.Autade, Advocate for Applicants.

Ms. S.S.Raut, A.P.P. for Resp. - State.

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CORAM : INDIRA K. JAIN, J.

DATE : 22nd DECEMBER, 2015

ORAL ORDER :-

1. Here is an application for regular bail in Crime No. I-140/2015 registered at Akole police station, district Ahmednagar for the offences punishable u/ss 489 (B), 489 (C) read with 34 of the Indian Penal Code.

2. Heard Mr. K.B.Autade, learned counsel for applicants and Ms. S.S.Raut, learned A.P.P. for Respondent – State. Perused papers of investigation.

3. Complainant Balasaheb Kondaji Fulsaundar

is running general stores at Kotul, Taluka Akole, district Ahmednagar. On 28/09/2015 at around 4.00 p.m. applicants had been to the shop of complainant. They purchased two packets of biscuits and gave a currency note of ₹ 500/-. Complainant returned ₹ 480/- to one of the applicants. Thereafter complainant suspected that currency note was fake and so he ascertained from pigmy agent Deepak Narayan Kote who confirmed that the currency note was fake and bogus.

4. Complainant then made search of the applicants. They were intercepted at bus stand. Their personal search was taken with the assistance of a lady constable. From their possession total 34 currency notes of denomination of ₹ 500/- and 13 currency notes of denomination of ₹ 1,000/- were recovered. Seizure panchanama was drawn. F.I.R. was lodged. During investigation those currency notes were sent to the Laboratory. Report is positive.

5. Applicants were arrested on the same day. Police custody remand of applicants was granted till 09/10/2015. Since thereafter they are in magisterial custody.

6. Application has been objected on the ground that applicants had used counterfeit currency note for purchase of biscuits and then they had been to another shop, purchased some articles and again used the counterfeit currency note.

7. Learned A.P.P. submitted that considering the huge number of currency notes recovered from the applicants, possibility of a racket working is not ruled out and so prayed to reject the application.

8. Needless to state that to attract the offences u/ss 489 (B) and 489 (C) of the Indian Penal Code, knowledge or reasons to believe that the currency notes were forged or counterfeit is must. In the present case material collected so far is short of attributing the knowledge to the applicants. Investigation is almost complete. Applicants are in jail since 28/09/2015. They are permanent residents of villages Navsar Wadi and Padhegaon in district Ahmednagar and there is no likelihood of their fleeing from justice.

9. In the above premise this Court finds it fit to enlarge the applicants on bail. Hence, the following order.

ORDER

- (i) Criminal Application No. 6159 of 2015 is allowed.
- (ii) Applicant No. 1 Shantabai Mangesh Pawar @ Shakuntala Vishnu Pawar, applicant No. 2 Gangubai Sopan Pawar @ Shantabai Laxman Pawar and applicant No. 3 Neeta Manoj Chavan @ Neeta Sandip Pimpale are released on bail in Crime No. I-140/2015

registered at Akole police station, district Ahmednagar for the offences punishable u/ss 489 (B), 489 (C) read with 34 of the Indian Penal Code on P.R. and S.B.of ₹ 15,000/- [Rupees Fifteen Thousand] each.

- (iii) Applicants shall not tamper with the prosecution evidence and shall make themselves available as and when required.
- (iv) Bail before the trial Court.

[INDIRA K. JAIN]
JUDGE