

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No.3718 OF 2015

ORDER:

The petitioners, who are A-1 to A-4 in Crime No.12 of 2015 of Kuntala Police Station, Adilabad District, filed the present application under Sections 437 and 439 Cr.P.C., seeking enlargement on bail in the above Crime registered against them and others for the offences punishable under Sections 489-B and 489-C read with 34 IPC. Accused 2 and 3 were arrested on 09.02.2015, A-1 was arrested on 11.02.2015 while A-4 surrendered before the Court on 18.02.2015.

The case of prosecution is as under :

On 08.02.2015 the informant by name Manpur Laxminarayan, who was running a Kirana shop at Kallur village, Kuntala Mandal, lodged a report stating that on the said date at about 8.00 p.m., an Auto Driver of a Auto bearing No.MH-26-AC-5245 along with two ladies and a male person stopped the Auto in front of the said Kirana shop. All the four members came to his shop and among them one lady gave Rs.100/- note and purchased Parle-G Biscuits costing Rs.20/-. Then he returned the balance amount of Rs.80/-. The second lady gave Rs.100/- note and purchased Parle G biscuit worth Rs.10/-. Then he returned the balance amount of Rs.90/-. Thereafter all the four accused went away. Meanwhile the neighbouring shop owner by name Pramod came to him and informed that the same persons also came to his shop also, purchased articles by giving hundred rupee notes which are duplicate and fake. On verification, the informant found that notes which were given to him also appear are fake as the paper of the said note was thin. Basing on these allegations, the above report came to be lodged. On 09.02.2015 L.W.10 along with L.W.9, while conducting the vehicle check at Kallur village, apprehended A-2 and A-3 while going towards Kallur side from Kuntala in an Auto bearing No.MH-26-AC-5245. On interrogation A-2 and A-3 are alleged to have confessed about the commission of the offence. In pursuance of the confession made five duplicate notes of Rs.100/-, six duplicate notes of Rs.100/- were recovered from A-2 and A-3 respectively. The report also discloses that A-1 and A-4 who were also there in the Auto escaped on seeing the police. A-1 was arrested on 11.02.2015 at Kuntala Bus stand and police are alleged to have recovered two nylon bags and 17 x Rs.100/- =

Rs.1,700/- duplicate notes.

Learned counsel for the petitioners mainly submits that even accepting the allegations in the report to be true the ingredients constituting the offences alleged are not made out as there is no proof to show that the petitioners have put the fake currency notes into circulation. According to him, possession of few currency notes cannot lead to a presumption that the petitioners have indulging in circulation of the fake notes. He further submits that substantial investigation is over and as the petitioners are in Jail since last two months, seeks bail.

Learned Public Prosecutor opposed the application contending that the case is still at the stage of investigation and if the petitioners are released on bail there is every likelihood of they effecting the process of law as they are residents of Nanded.

A perusal of the material on record would show that according to prosecution, A-1 and his sister-in-law were running Hotel business in Narshi Thands, T.Q. Nayegaon, Nanded District. Since one year, a person by name Baburao Sonkamble used to come to their hotel. About six months back the said person stated that he had hundred rupee duplicates notes and if accused are able to put the same into circulation, he would give four hundred rupee notes to one hundred rupee genuine note. Being tempted by the proposal made and as they were in dire need of money, the accused are alleged to have accepted the proposal. On 05.02.2015 morning the said Baburao gave Rs.4,000/- duplicate notes for original Rs.1,000/- original notes, which were being exchanged in their hotel. Subsequently, the accused are alleged to have exchanged small currency notes in Kalluru village by purchasing some articles. It is to be noted that the petitioners were arrested in the month of February 2015 on the basis of a report given by Kirana shop owner with whom the petitioners are alleged to have exchanged fake currency notes by purchasing biscuits. Strangely the prosecution did not conduct the test identification parade till date. The record produced by the learned Public Prosecutor does not anywhere indicate holding of test identification parade of L.W.1 and L.W.2. Further, the currency notes seized from A-1 to A-3 being small in number, all the material witnesses are examined and as the petitioners are in Jail since last two months their request can be considered on certain terms and conditions.

Accordingly, the criminal petition is allowed and the petitioners shall be released on bail on executing a bond for Rs.10,000/- (Rupees ten thousand only)

each with two sureties for a likesum each to the satisfaction of the Judicial First Class Magistrate, Bhainsa, Adilabad District. Out of the two sureties, one surety must be a local surety. The petitioner shall report before the Station House Officer, Kuntala Police Station, Adilabad District, in connection with the above crime twice in a week i.e., on every Wednesday and Saturday between 10.00 a.m., and 1.00 p.m., for a period of eight weeks or till filing of charge-sheet, whichever is earlier. The petitioners shall furnish their full address either present or changed address if any from time to time. The petitioners shall make themselves available for interrogation as and when required by the police and they shall attend before the Court of law regularly in enquiry and trial without fail. The relaxation of any of the conditions in future can be sought before learned trial Magistrate to whom by this order power is conferred.

JUSTICE C. PRAVEEN KUMAR

Dt:28.04.2015

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