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

CRIMINAL APPLICATION NO. 6270 OF 2016

Shahid Taher Khan,
Age: 30 years, Occ: Service,
R/o. Mali Galli, Tq. Shevgaon,
District Ahmednagar. ..APPLICANT

VERSUS

The State of Maharashtra,
Through Police Station
Tofkhana District Ahmednagar. ..RESPONDENT

Mr N.S. Ghanekar, Advocate for applicant;
Mr A.D. Namde, Addl. Public Prosecutor for
respondent/State

**WITH
CRIMINAL APPLICATION NO. 6290 OF 2016**

Sandesh Babanrao Gaware,
Age: 33 years, Occ: Agri.,
R/o. Ghodegaon, Tq. Newasa,
Dist. Ahmednagar. ..APPLICANT

VERSUS

The State of Maharashtra ..RESPONDENT

Mr P.S. Pawar, Advocate for applicant;
Mr A.D. Namde, Addl. Public Prosecutor for
respondent/State

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WITH
CRIMINAL APPLICATION NO. 6168 OF 2016

Sudhir Ramesh Dupti,
Age: 45 years, Occ: Service,
R/o. Ambedkar Chowk, Libra Masjid,
Delhi Dresses, Adilabad
Telangana State. ..APPLICANT

VERSUS

The State of Maharashtra
Through Police Station Officer
Tophkhana Police Station
District Ahmednagar. ..RESPONDENT

Mr Niteen V. Gaware, Advocate for applicant;
Mr A.D. Namde, Addl. Public Prosecutor for
respondent/State

WITH
CRIMINAL APPLICATION NO. 5958 OF 2016

Pravin s/o Sashikant Raut,
Age: 30 years, Occ: Business,
R/o. Joshigalli, Kedgaon,
Tq. Nagar, Dist. Ahmednagar. ..APPLICANT

VERSUS

The State of Maharashtra,
Through Police Inspector,
Police Station, Tophkhana,
Ahmednagar, Dist. Ahmednagar. ..RESPONDENT

Mr S.S. Thombre, Advocate for applicant;
Mr A.D. Namde, Addl. Public Prosecutor for
respondent/State

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CORAM : A.S. CHANDURKAR, J.**DATE : 30th NOVEMBER, 2016****ORAL ORDER :**

Heard.

2. Since all the applicants in the present applications seek their release on bail under Section 439 of the Code of Criminal Procedure, these applications are being decided by this common order.

3. As per the first information report, on 16th September, 2016 police authorities got secret information that some persons in possession of counterfeit currency notes of Rs.1000/- and Rs.500/- were likely to come in front of hotel Priyadarshini. On that basis, a trap was laid and in the presence of panch witnesses, three persons with various currency notes in the aforesaid denominations were trapped. Same are applicants in Criminal Application Nos. 6290 of 2016 and 5958 of

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2016. Insofar as the applicant in Criminal Application No. 6270 of 2016 is concerned, his name was stated by the aforesaid applicants as the supplier of the said notes. During the further investigation, name of the applicant in Criminal Application No. 6168 of 2016 was surfaced. As per the informant, the said applicant in Criminal Application No. 6168 of 2016 was working as the Manager of one Shri. Vyankatesh Multi-State Co-operative Credit Society Limited. After the arrest of the aforesaid persons, certain counterfeit currency was found in their custody. In that background, the present applications have been moved.

4. It is submitted by the learned Counsel for the applicants that the applicant Sandesh Gaware and Pravin Raut are stated to be in the custody of certain counterfeit currency. The name of Shahid Khan has been taken by the aforesaid persons after their arrest while Sudhir is stated to be implicated on the basis of statement of another co-

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accused Uddhav Nangare. It is submitted that though offence has been registered under Section 489-B and 489-C, the perusal of first information report at the highest indicates offence alleged under Section 489-C being committed. It is submitted that the applicants are in the custody from 17th September, 2016 and the counterfeit currency has already been seized. It is, therefore, submitted that further detention of the applicants is not warranted.

5. The application is opposed by the learned Additional Public Prosecutor by relying upon the police papers. According to him the raid was successful and the notes seized have been found to be counterfeit. Considering the nature of offence, the applications deserve to be rejected.

6. Perused the first information report as well the police papers. As per the first information report, the applicants Sandesh Gaware and Pravin Raut were trapped in front of hotel

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Priyadarshini and they were found in possession of some counterfeit currency. Considering the nature of the report dated 16th September, 2016, *prima facie* ingredients of Section 489-C of the Indian Penal Code appear to have been made out. There is no material to indicate use of the counterfeit currency. Insofar as applicant Shahid Khan is concerned, his name has been taken by the other co-accused. Applicant Sudhir Dupti is alleged to have retained the counterfeit notes with himself instead of reporting receipt of such notes. Considering the fact that the applicants are in the custody from 17th September, 2016 and the alleged counterfeit currency notes are seized, their further pre-conviction detention does not appear to be warranted. They can be directed to be released on bail, subject to imposing conditions.

7. In the aforesaid, the following order is passed : -

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: O R D E R :

(i) The applicants shall be released on bail, pursuant to their arrest in Crime No. I-285 of 2016 registered with Tofkhana Police Station, Ahmednagar, District Ahmednagar for offence punishable under Section 489(B),(C) of the Indian Penal Code, on furnishing P.R. bond of Rs.20,000/- each, with one surety in the like amount.

(ii) The applicants shall attend the concerned police station on 9th December, 2016 and thereafter as per the directions of the Investigating Officer.

(iii) They shall not attempt to repeat the commission of alleged offence.

(iv) They shall not take any steps to influence the prosecution witnesses.

8. The observations made in this order are only for the purpose of deciding present bail

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applications.

9. Criminal Applications are allowed in above terms and disposed of.

(A.S. CHANDURKAR, J.)

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