

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.831 OF 2017

Ramswaroop Purkaram Patel ... **Applicant**

V/s.

The State of Maharashtra ... **Respondent**

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Mr.A.P.Mundargi Senior Counsel i/b. Manohar S. Mandavakar,
Advocate for the Applicant.

Ms.A.A.Takalkar, APP for the Respondent/State.

Mr.Arjun Jagadale, IO, PI, Crime Branch, Unit-II, Mumbai.

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CORAM : A.M.BADAR J.

DATED : 13th NOVEMBER 2017.

P.C. :

1 The applicant/accused in Crime No.128 of 2016 registered with Antop Hill Police Station for the offence punishable under Sections 489-A, 489-B, 489-C and 489-D read with Section 34 of the Indian Penal Code, by this application, is seeking his release on bail during pendency of the trial.

2 Heard the learned Senior Counsel appearing for the applicant/accused. By drawing my attention to the FIR lodged by Police Head Constable Baban Jadhav, the learned Senior Counsel argued that perusal of the FIR does not show that there was sale

or purchase of forged or counterfeit currency notes. The evidence is scanty on this aspect. It is further argued that statements of witnesses show that they are reflecting confession by the accused to the police officers which is inadmissible in law. My attention is also drawn to the confessional statement of the applicants resulting in recovery of counterfeit currency notes. The learned Senior Counsel argued that as the investigation of crime in question is over, further pre-trial detention of the present applicant is not warranted.

3 Learned APP drew my attention to the FIR as well as recovery panchanama and submitted that there is enough evidence against the present applicant.

4 I have carefully considered the rival submissions and also perused the entire charge sheet.

5 Section 489-B of the IPC, deals with using as a genuine forged or counterfeit currency notes or bank notes. Any person who sells or receives from any other person or otherwise traffics in or uses as a genuine or forged or counterfeit currency note or bank-note is liable to be punished under this Section. In the case in hand, the FIR itself is based on the secret information to the effect that a person named Mohammed is coming for purchasing counterfeit currency notes from the present applicant. Accordingly, a trap was laid and the secret informant gave a per-arraigned signal after coming of the accused person on the spot.

The FIR reflects that the First Informant i.e. police official, who was a member of the trap team, had noticed that there was conversation between them and there was exchange of counterfeit currency notes. Similar are the statements of other witnesses recorded by the prosecution. It is seen that person of the present applicant and the co-accused came to be searched on the spot. The present applicant was found to be in possession of counterfeit currency notes worth Rs.6,000/- whereas the co-accused was found in possession of 10 currency notes each of Rs.1,000/- denomination, which, according to the prosecution case, are counterfeit currency notes.

6 Confessional statement of the present applicant has resulted in recovery of 60 currency notes of Rs.100/- denomination, 68 currency notes of Rs.500/- denomination and 100 currency notes of Rs.1000/- denomination, which according to the prosecution case, are forged and counterfeit currency notes.

7 Considering this nature of the evidence against the present applicant as well as the fact that the offence alleged is of an economic offence, which destroys the economy of the State, no case for bail is made out. The application is, therefore, rejected.

(A.M.BADAR J.)