

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL BAIL APPLICATION NO. 1671 OF 2017

Laldev Ram Pandit

...Applicant

Versus

The State of Maharashtra

...Respondent

Ms. Prabha Badadare for the applicant.

Mr. Arfan Sait, APP for the respondent – State.

PSI D.R. Chaudhari, Malabar Hill Police Station, Mumbai present.

CORAM : PRAKASH D. NAIK, J.

DATE : 4th AUGUST, 2017.

P.C. :

1. The applicant is seeking bail in connection with C.R. No.156 of 2016 registered with Malbar Hill Police Station, Mumbai. The offences were registered under sections 489(b) and 489(c) of IPC. The FIR was registered on 14th December, 2016.

2. The prosecution case is that on 30th November, 2016, the applicant deposited an amount of Rs.33,000/- in the bank account using his debit card in the ATM Machine of State Bank of India, Nepean Sea Road Branch, Mumbai. The said notes were found to be fake currency notes and hence the FIR was registered.

3. During the course of investigation, it is revealed that the applicant had received the said amount from one Jha and Mr. Jha had received that amount from one Sunil Gurav.

4. Learned advocate for the applicant submitted that applicant is in custody from 14th December, 2016 and the chargesheet has been filed. It is submitted that admittedly the currency notes were handed over to the applicant by another person. It is submitted that the source of currency notes was derived from one Sunil Gurav, he was arrested and has been granted bail by the Sessions Court. The application preferred by the applicant was rejected by the Sessions Court and one of the reason for rejection is stated that the applicant is permanent resident of Bihar and has not permanent residence in Mumbai. It is submitted that further detention of the applicant is not necessary.

5. Learned APP vehemently opposed the application for bail. It is submitted that this is a serious crime involving fake currency notes. The currency notes were handed over to the applicant by one Jha. From the evidence, it is apparent that the applicant had replaced those notes by fake currency notes. The applicant is not permanent resident of Mumbai. It is submitted that considering the gravity of

the offence bail may be refused.

6. I have perused the FIR and other documents annex to the application. The source of fake currency notes is revealed during the course of investigation. The currency notes have travelled from the hands of Sunil Gurav and one Mr. Zha. The allegations that the applicant must have replaced the genuine notes with fake currency notes, is by an inference which is not substantiated by any cogent evidence. Sunil Gurav had handed over notes to Jha who was arrested and has been granted bail by the Sessions Court. The applicant has been in custody from the date of arrest. Investigation is completed and the chargesheet has been filed. On the ground that the applicant is not permanent resident of Mumbai and that he hails from Bihar, bail cannot be refused. Hence, I pass following order;

::ORDER::

- (i) Bail Application No.1671 of 2017 is allowed.
- (ii) The applicant is directed to be released on bail in connection with C.R. No.156 of 2016 registered with Malbar Hill Police Station, Mumbai on furnishing P.R. Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand only.) with one

or more local sureties in the like amount.

- (iii) The applicant shall attend the concerned police station once in a month on first Saturday of month between 11.00 am to 1.00 pm till further orders.
- (iv) The applicant shall furnish his residential address as well as native place address to the Investigating Officer after he is being released on bail.
- (v) Application stands disposed of.

[PRAKASH D. NAIK, J.]