

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

**CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL BAIL APPLICATION NO.2475 OF 2017**

**DASHRATHPRASAD BHOOLU SHRIWAS )...APPLICANT**

**V/s.**

**THE STATE OF MAHARASHTRA )...RESPONDENT**

Mr.S.R.Phanse i/b. Mr.Sarfaraz Khalife, Advocate for the Applicant.

Mr.S.V.Gavand, APP for the Respondent - State.

**CORAM : A. M. BADAR, J.**

**DATE : 8<sup>th</sup> DECEMBER 2017**

**P.C. :**

1           The applicant/accused in Crime No.I-193 of 2017 registered with Kalwa Police Station, Thane, for offences punishable under Sections 489A, 489B and 489C of the Indian Penal Code (IPC), by this application, is seeking his release on bail.

2           Heard the learned advocate appearing for the applicant/accused. He drew my attention to the First Information Report (FIR), Station Diary Entry No.23 of 17<sup>th</sup> June 2017 as well House Search effected of the house of the present applicant/accused and submitted that there is no iota of evidence to infer that the applicant/accused was using counterfeit currency notes or he was using those counterfeit currency notes as genuine. In his submission, the possession of forged or counterfeit currency notes is a bailable offence. It is further argued that the applicant/accused is suffering from HIV and therefore, he be released on bail.

3           The learned APP opposed the application.

4           The applicant/accused was apprehended on the basis of secret information received by police on 17<sup>th</sup> June 2017. A trap was laid and it is case of the prosecution that the applicant/accused was found with forged currency notes of Rs.2,000/- denomination totalling number 537. Those currency

notes were seized and house of the present applicant/accused was searched but nothing incriminating was found.

5           The Station Diary Entry No.23 in the Crime Branch shows that at 11.10 p.m. of that day, the police squad returned after executing the trap. The further investigation was directed to be conducted by Kalwa Police Station as per this Station Diary Entry. The FIR shows that information was received in respect of this crime in question at 1.35 hours of 18<sup>th</sup> June 2017. There is nothing wrong in this FIR because the action was taken by the Crime Branch Unit-I Thane, on 17<sup>th</sup> June 2017 with a direction that the offence be registered at Kalwa Police Station and further investigation should be carried out by Kalwa Police Station. That is how the FIR registered at Kalwa Police Station shows receipt of information by the said Police Station at 1.35 hours of 18<sup>th</sup> June 2017.

6           Counterfeit currency notes in denomination of Rs.2,000/- numbering 537 were found with the present

applicant/accused. The reason as to why he is possessing such counterfeit currency notes in such a large number is a fact which is exclusively within the knowledge of the present applicant/accused. However, the said quantity indicates that except trafficking in such counterfeit currency notes there was no other reason to possess such high denomination currency notes in such a large number with the present applicant/accused. Hence, at this stage, it is not possible to hold that offence punishable under Section 489B is not made out by the prosecution.

7           The offence alleged is an economic offence which destroys the entire economic fibre of the society, and as such, no case for grant of bail is made out. Therefore, the order :

**ORDER**

The application is rejected.

(A. M. BADAR, J.)