IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.205 OF 2018

Rajesh Santosh .... Applicant
Vs.
The State of Maharashtra .... Respondent

Ms. Dhanali Prateesh Kubal for the Applicant.
Ms. Veera Shinde, APP for the State.

Mr. Suravse, PSI Crime Branch, Unit 3, Navi Mumbai.

***Coram : Smt. Sadhana S. Jadhav*, J.**
Date : 21st June, 2018

P.C.:

1 Heard the learned counsel for the applicant and the learned APP.

2 This is an application under Section 439 Code of Criminal Procedure. The applicant herein is arrested on 8th August 2016 in Crime No.245 of 2016, registered at Kharghar Police Station for the offences punishable under Sections 489A, 489B, 489C, 489D, 489E, 201 read with 34 Indian Penal Code.

3 It is the case of the prosecution that the police of Koparkhairane were investigating Crime No.306 of 2016 where one Aashish Pednekar is accused no.7. He had disclosed his address as Tadeshwar Co-operative Housing Society, Mahim, Mumbai. On 11th August 2016,he had voluntarily made a statement before the panchas. He had disclosed that since long he alongwith one Bharat Tambe were fabricating false school leaving certificates, mark-lists and other certificates and had circulated the same for monetary gains. He had disclosed the names of his associates in business. He had further disclosed that since November 2015 to 18th July 2016, he was residing at Nerul, Navi Mumbai where they were printing fake currency notes.Thereafter, from April 2016, he alongwith the present applicant and others had forged and fabricated false currency notes of Dubai (Dirham). In the memorandum under Section 27 of the Indian Evidence Act, they had been to the house of the present applicant, where they found the printing machines and other materials used for printing fake denomination. The house where all the materials of printing machines were found, was taken on rent

by the present applicant from one Kunal Sudhir Patil through an estate agent.

4 Learned counsel for the applicant vehemently submits that in fact Aashish Pednekar happened to be the friend of the present applicant and that he had come to reside with the applicant in the said flat only because the mother of the applicant was out of station and that the present applicant had no knowledge about the activities of Ashish Pednekar and therefore, he cannot be held liable for the material that are found in his house.

5 Learned APP has drawn the attention the attention of this court to the panchanamas dated 6th August 2017, which shows that there was a partition in the hall with a sliding door in the said hall, they had found fake certificates where the final result Fail was converted to Pass. That the material used for printing and other material were found in other parts of the house and not just in the room allegedly occupied by Aashish. There was huge material of printing papers.

6 Learned counsel for the applicant submits that it cannot be said that the applicant is a partner in a crime and in fact he was a casual friend of Aashish. It is pertinent to note that in Crime No. 213 of 2009, the present applicant is prosecuted alongwith Aashish Pednekar and Bharat Tambe for the offences punishable under Sections 420, 468, 471, 472, 474, 475 read with 34 of Indian Penal Code. It is apparent on the face of the record that the applicant is in association in crime with Aashish and the said submission that Aashish had actually come to stay with the applicant and that the applicant has no knowledge about his activities is unfounded. This is the offence against the Nation. The economy of the country would be at stake because of circulation of the fake denominations. There is sufficient incriminating material against the applicant in the compilation of the charge-sheet. Hence, the application being sans-merits stands rejected.

7 The observations are prima facie in nature and shall not be considered for discharge application or at the time of trial.

(*Smt. Sadhana S. Jadhav*, J)