

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.576 OF 2019

Nilesh Vijay Bansode] ... Applicant

Versus

The State of Maharashtra] ... Respondent

Mr. Vaibhav Ugle, Advocate for the Applicant.
Ms. S.S. Kaushik, APP for the State/Respondent.

CORAM :- SARANG V. KOTWAL, J.
DATE :- 20 JUNE, 2019.

P. C. :-

1. The applicant is seeking bail in connection with C.R.No.413/2018 registered with Bhosari Police Station, Pune u/sec.420, 489 - C, 489 - B r/w 34 of I.P.C.
2. The FIR in this case is lodged on 10/09/2018 by Police Constable Ravindra Jadhav. According to him, on that day around 8.30 p.m., one Jawahar Jadhav who was a fruit vendor came to the police chowky and informed that two unknown persons had come to purchase some fruits from his handcart and they had given a currency note for Rs.500/-. He was suspecting that the note was counterfeit.

Therefore, he approached the police and informed about the same. The police officers went to his handcart. At that time, they saw two persons waiting for purchasing fruits. At that time, police officers confronted them with the concerned counterfeit note. They could not explain properly. Therefore, these two persons were searched at the spot. One of them was the present applicant. He was found possessing three notes of Rs.500/- denomination. The other person was having two such notes and one note was taken in charge from the fruit vendor Jadhav. It was found that these notes were counterfeit notes and so the offence was registered. The applicant was arrested on the same day and since then he is in custody. The investigation is over and charge-sheet is already filed. From the charge-sheet it appears that, the main accused were Darasingh and Santosh Jaybhay. They were the persons who were actually printing these counterfeit notes and were circulating them in the market. The allegations against the present applicant does not travel beyond the allegations of possessing three counterfeit notes and trying to use one.

3. Heard Mr. Vaibhav Ugle, Ld. Counsel for the Applicant and Ms.S.S. Kaushik, APP for the State/Respondent.

4. Ld. Counsel for the applicant submitted that there is absolutely no evidence in the entire charge-sheet against the present applicant. The story in the FIR shows that the present applicant would not have been possessing this currency notes knowingly.

5. As against this, Ld. APP submits that the offence is serious and therefore, bail should not be granted to the applicant.

6. From the alleged story in the FIR, it is clear that the applicant and his companion had gone to purchase fruits and they had handed over one counterfeit note to the fruit vendor. He got suspicious and went to the police station. He came back with the police party to his handcart. That means the applicant was waiting near the handcart all this while. The conduct of the applicant does not show that he was aware that the note used by him or his companion was a counterfeit note. If he was knowingly possessing counterfeit notes, he would have immediately left the spot after the vendor had got suspicious about those counterfeit notes.

7. Apart from the FIR, in the entire charge-sheet there is absolutely

no material against the present applicant. Ld. APP also could not point out any material to show any connection between the present applicant and the main accused. The entire investigation was directed against Darasingh and Santosh Jaybhay from whom more counterfeit notes were recovered. Apart from the notes, even the articles used for printing notes is also recovered. However, there is hardly any material against the present applicant. The applicant is a student. He is 26 years of age. He is already in custody since September 2018. His further custody for investigation purpose is not necessary. In this view of the matter, I am inclined to grant bail to the present applicant. Hence, the following order.

ORDER

1. The Applicant is directed to be released on bail in connection with C.R.No.413/2018 registered with Bhosari Police Station, Pune on his executing P.R. Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one or two sureties in the like amount.
2. Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)