

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.1994 OF 2019

Santosh Maruti Jaibhay] ... Applicant

Versus

The State of Maharashtra] ... Respondent

Mr. Aniket Nikam i/b Mr. Vivek Arote, Advocate for the Applicant.
Mr. S.H. Yadav, APP for the State/Respondent.
Mr. V.K. Mhaskar, PN 5475 attached to Bhosari Police Station,
Pimpri Chinchwad present.

CORAM :- SARANG V. KOTWAL, J.
DATE :- 14th AUGUST, 2019.

P. C. :-

1. The applicant is seeking his release on bail in connection with C.R.No.413/2018 registered with Bhosari Police Station, Pune City 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. He has stated that, he was attached to Dapodi Police Station. At that time, one fruit vendor Jawahar Jadhav came there and informed that, two persons had come to purchase fruits and they had given him one currency note for Rs.500/-

denomination. He was suspecting that, the note was a counterfeit note. The police along with the fruit vendor went to his handcart and found that two persons were present. They could not give proper explanation in respect of possession of counterfeit notes. One of them was having three notes and the other was having two notes. They were arrested and the FIR was lodged.

3. The investigation alleged that, two more persons were arrested and one of them was the present applicant and the other one was Darasingh. It is the case of the prosecution that, the present applicant was also possessing a counterfeit notes and he had used them. The applicant was arrested on 13/09/2018 and since then he is in custody. The investigation is carried out and the charge-sheet is already filed.

4. Heard Mr. Aniket Nikam, Ld. Counsel for the Applicant and Mr.S.H. Yadav, Ld. APP for the State/Respondent.

5. Ld. Counsel for the applicant submitted that, the prosecution case at the highest indicates that the present applicant was in possession of the counterfeit notes which amounts to offence punishable u/sec. 489 C of I.P.C., which is bailable offence. The

applicant is in custody since 13/09/2018 and therefore his further custody is not required.

6. Mr. Yadav, Ld. APP submitted that, the offence is serious and the applicant was found with possession of ten such counterfeit notes. He further submitted that, the applicant should not be released on bail.

7. I have considered these submissions. The charge-sheet shows that on 15/09/2018, the applicant had led the police party to the place where he had concealed the counterfeit notes. The applicant led the police party to the house of one Pushpa. The applicant was tenant in that house. The counterfeit currency notes were found in a pocket of pant which was hanged on a wall. There were 10 such notes. Thus, at this stage, the charge-sheet does indicate that the present applicant was in possession of the such counterfeit notes. The offence is punishable u/sec. 489 C of I.P.C. However, in the entire charge-sheet there is no further material to show that, the applicant had actually used the counterfeit notes. The charge-sheet also does not indicate that, there was any connection of the present applicant with

the main accused Darasingh who is supposed to have printed these notes. Therefore, there is considerable force in the submissions of Mr.Nikam that, the offence at the most, would be u/sec.489 C of I.P.C., which would be a bailable offence. In this view of the matter, the applicant deserves to be released on bail. 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 City on his furnishing 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.)