

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.1995 OF 2019

Ajay Dayanand Sirsale	]	... 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 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. 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 of Rs.500/-. He was suspecting that, the note was a counterfeit

note. 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 give proper explanation. Therefore, these two persons were searched at the spot. One of them was the present applicant. He was found possessing two such notes. The co-accused Nilesh Bansode was possessing three such notes. 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.

3. 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.

4. From the charge-sheet it appears that, the main accused was Darasingh. From one Santosh Jaybhay some more such notes were seized. It is the prosecution case that, Darasingh was actually printing these counterfeit notes and was circulating them in the market. The allegations against the present applicant does not travel beyond the allegations of possessing two counterfeit notes and trying to use one note.

5. Heard Mr. Aniket Nikam, Ld. Counsel for the Applicant and Mr.S.H. Yadav, Ld. APP for the State/Respondent.
6. Ld. Counsel for the applicant submitted that, there is no incriminating evidence against the present applicant. The story in the FIR shows that, the present applicant would not have been possessing these counterfeit notes knowing that they were not genuine notes.
7. Ld. APP submits that, the offence is serious and therefore, bail should not be granted to the applicant.
8. From the 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. The applicant was still waiting near the handcart. The conduct of the applicant does show that, he was unaware that, the note used by him or his companion was a counterfeit note. If he was knowingly possessing such counterfeit notes, he would have immediately left the spot as soon as he saw the fruit vendor coming with the police party.

9. Apart from the FIR, in the entire charge-sheet there is no other incriminating material against the present applicant. Ld. APP also could not point out any other incriminating material against the present applicant. Ld. APP could not point out any material connecting the present applicant with the main accused Darasingh and another co-accused Santosh Jaybhay.

10. Mr. Nikam relied on the order passed by this Court on 20/06/2019 in BA No. 576/2019 whereby the co-accused Nilesh Bansode was granted bail. The present applicant stands on the same footing as that of Nilesh. Therefore, on the ground of parity also the present applicant deserves to be released on bail. 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 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.)