

HONOURABLE SRI JUSTICE SANJAY KUMAR

CRIMINAL PETITION Nos.1630 & 1873 OF 2019

COMMON ORDER:

1 A.5 in Crime No.135 of 2019 registered on the file of L.B.Nagar Police Station, Rachakonda Commissionerate, is the petitioner in CrI.P.No.1630 of 2019 while A.7 in the said crime is the petitioner in CrI.P.No.1873 of 2019. By way of these petitions, both of them seek regular bail under Sections 437 and 439 CrPC.

2 Be it noted that the petitioner in CrI.P.No.1873 of 2019 earlier filed CrI.P.No.1330 of 2019 for the very same relief and the said bail petition was dismissed by this Court, vide order dated 14.3.2019. The petitioners in these two cases along with 10 other accused were charged with offences under Sections 120-B, 489(A), (B), (C), (D) and 420 r/w 34 IPC.

3 The case of the prosecution is that the petitioners in these two cases were involved in the distribution of fake currency notes printed by some of the other accused in the above crime. A.5 along with A.6 was stated to have already circulated some fake currency notes. The prosecution alleged that A.1 to A.10 in Crime No.135 of 2019 gathered at the house of A.1 on 05.02.2019 for the purpose of deciding as to how to dispose of the balance fake currency notes and in that context, A.1 gave Rs.1.00 lakh of fake currency notes of Rs.500/- denomination to each of the accused viz., A.2 to A.10. At this stage, the house of A.1 was raided and A.1 to A.10 were apprehended.

4 Taking note of the gravity of the allegations and as printing and distribution of counterfeit currency would be contrary to public interest, this Court dismissed the earlier bail petition filed by A.7. This Court also took note of the fact that the allegations were specific and grave against A.7 and that the investigation was still in progress.

5 The learned Assistant Public Prosecutor would inform this Court that the investigation is still ongoing. He would state that 8 witnesses have already been examined but A.11 and A.12 are absconding and the process of investigation is yet to be completed. He would further point out that there is no change in the circumstances warranting filing of a fresh bail application by A.7.

6 Sri S.Madhava Rao, learned counsel representing Mrs. S.Nanda, learned counsel for A.7, and Sri M.Layeeq Khan, learned counsel for A.5, would state that mere fact that A.11 and A.12 are absconding is not reason enough for not filing a charge sheet and this Court has to exercise its jurisdiction under Sections 437 and 439 CrPC in relation to these accused who have been in prison since 05.2.2019.

7 Giving the aforestated facts and as printing and distribution of counterfeit currency would be against national interest, this Court is of the opinion that even an allegation in that regard has to be treated as grave and of utmost seriousness. In the cases on hand, both the petitioners / A.5 and A.7 were physically apprehended at the spot in possession of counterfeit currency. Further, as the investigation is yet to be completed, it would be wholly premature for this Court to exercise jurisdiction under Sections 437 and 439 CrPC as there is every possibility of the accused tampering with the evidence. This Court therefore finds no grounds to enlarge the petitioners / A.5 and A.7 on bail at this stage.

8 Both these Criminal Petitions are accordingly dismissed.

JUSTICE SANJAY KUMAR

April 17, 2019.

Kvsn