

IN THE HIGH COURT OF BOMBAY AT GOA
CRIMINAL APPLICATION (BAIL) NO. 27 OF 2020

MOHAN LAL, PRESENTLY IN JUDICIAL
CUSTODY AT MODERN CENTRAL JAIL
COLVALE

... Applicant

Versus

STATE OF GOA, THR. PUBLIC
PROSECUTOR AND ANR.

... Respondents

Shri K. Raikar, Advocate for the applicant.

Shri S.R. Rivankar, Public Prosecutor for the respondents.

Coram:- NUTAN D. SARDESSAI, J.

Date:- 10th February, 2020

P.C.:

Heard Shri K. Raikar, learned Advocate for the applicant and Shri S.R. Rivankar, learned Public Prosecutor for the respondents.

2. It was the contention of Shri Raikar, learned Advocate that the co-accused had been granted bail by the learned Additional Sessions Judge, Mapusa. The chargesheet had been filed against the applicant and one another person under Sections 489B, 489C, 489D and 489E IPC. There was no attachment of any

incriminating material from the applicant except the money which was sought to be deposited in the IDBI Bank. He had been in custody since the last five months and therefore, it was a fit case to enlarge him on bail and otherwise as he had furnished all his details to the Investigating Officer.

3. Shri S.R. Rivankar, learned Public prosecutor vehemently opposed the application for bail on the premise that he was not entitled to bail on the grounds of parity since no counterfeit amount had been recovered at the instance of the accused no.2 who was the person from whom he had allegedly received the counterfeit notes. Moreover, the applicant ran away from the spot which clearly indicated his guilty mind and therefore looking to the seriousness and gravity of the offence he was not entitled to the benefit of bail.

4. Considering the submissions and the facts that the applicant has been in custody for the last about five months i.e. from 15/09/2019, the contention on behalf of Shri S.R. Raikar, learned Advocate for the applicant appears plausible that if the applicant had the knowledge that the notes were counterfeit notes he would have not deposited the same in the Bank and that

he could have palmed them off in the local market not being large amounts being barely ₹15,000/-.

5. The fact that no amount has been recovered from the co-accused is not a ground to deny the benefit of bail to the applicant as he is in custody and the chargesheet has already been filed under Sections 489B, 489C, 489D and 489E IPC. No doubt the offence with which he stands charged under 489B, 489C, 489D and 489E IPC appears to be serious in nature, nonetheless since the investigation is substantially completed and the chargesheet has already filed and their purpose is already achieved, there is no need to detain the applicant in custody any further.

6. In view thereof, the application is allowed on the following terms :

1. The applicant shall be enlarged on bail on executing bail bonds in the amount of ₹25,000/- (Rupees Twenty Five Thousand only) and furnishing one local surety in co-extensive amount to the satisfaction of the learned Additional Sessions Judge, Mapusa.

2. The applicant shall co-operate with the trial and shall not tamper with the witnesses.
3. The applicant will furnish his authentic address to the Investigating Officer and also to the Court.
4. The applicant shall also not leave the State of Goa and the territorial waters of India without the prior written permission of the learned Additional Sessions Judge, Mapusa.
7. In these terms the application stands disposed off.

NUTAN D. SARDESSAI,J.

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