

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL BAIL APPLICATION NO. 111 OF 2020

Balu Sulieman Naikwadi

.. Applicant

Vs.

The State of Maharashtra

..Respondent

Mr. Sanjeev Kadam a/w. Satyajeet Shirke, Advocate for the Applicant.

Mr. H. J. Dedhia, APP for the Respondent/State.

CORAM : C.V. BHADANG, J.

DATE : 23rd NOVEMBER, 2020

(Through Video Conferencing)

P.C.

. The applicant is facing prosecution for the offence punishable under Section 489(A)(B)(C)&(D) and Section 420 r/w. Section 34 of the IPC. The applicant is accused no.1. There are three other accused in the crime, namely Pravin Gadkar (accused No.2), Vikram Mane (accused No.3) and Gurunath Patil (accused No.4).

2. According to prosecution, on prior information, the applicant was intercepted on 20/3/2019 at about 15.50 hours at Bachani Bus Stand where he was found in possession of counterfeit currency notes being carried in a Bajaj Platinum motorcycle. The applicant was found in possession of 626 notes of Rs.500/- denomination

each. It is further case of the prosecution that upon the information given by the present applicant, accused Nos.2 and 3 were also arrested having found in possession of counterfeit notes. Insofar as accused No.4 is concerned, during the course of investigation, it transpired that he was having necessary instruments / gadgets for counterfeiting of the currency notes.

3. Upon hearing the learned counsel for the applicant and the learned APP and on perusal of record, it appears that the accused Nos.2 and 3 who are similarly found in possession of counterfeit currency notes have been released on bail by the learned Sessions Judge. Parity was denied to the applicant mainly on the ground that the applicant has criminal antecedents in respect of one offence under Section 420 of IPC, not connected with offence relating to currency notes.

4. The learned APP pointed out that it was the accused No.4 who was found in possession of necessary gadgets / equipments for counterfeiting of the currency notes.

5. It is submitted by the learned counsel for the applicant that the applicant was allegedly found in possession of counterfeit currency notes. The learned counsel for the applicant pointed out

that in such circumstances, at the highest, the case of the applicant will fall under Section 489(C) of the IPC which is a bailable offence. It is submitted that the applicant was neither found indulging into counterfeiting of the currency notes nor there is any allegation that the applicant had tendered the counterfeit notes as genuine. The material allegation according to prosecution about actual counterfeiting of the currency notes is against accused No.4.

6. In the given circumstances, in my opinion, parity could not be denied to the present applicant on account of pendency of an offence under Section 420 of IPC, in respect of which, admittedly, the applicant has been released on bail. It is necessary to note that the offence under Section 489(C) of IPC is a bailable offence. The investigation is complete and chargesheet is filed. The apprehension expressed on behalf of prosecution can be taken care of by imposing appropriate conditions.

7. In that view of the matter, the following order is passed.

ORDER

1. The applicant be released on bail, on executing a PR. Bond of Rs.50,000/- with one or two solvent sureties in the like amount.

2. The applicant shall furnish his permanent address alongwith proof to the satisfaction of the learned Sessions Judge and shall not leave the jurisdiction of the learned Sessions Judge, Kolhapur, without prior permission of the learned Sessions Judge.

3. The applicant shall undertake to remain present before the learned Sessions Judge on the dates of hearing.

4. Bail bonds to be furnished before the learned Sessions Court.

5. The parties to act on the authenticated copy of this order.

C.V. BHADANG, J.