

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 1950 OF 2019

Bhushan Maruti SalunkeApplicant

v/s.

The State of MaharashtraRespondent

Mr. Yogesh D. Dalvi a/w. Mr. Chinmay Mehta,
Advocate for the applicant.

Smt. Sharmila Kaushik, APP for the State.

PSI, Vikas K. Patil, Vishnu Nagar Police Station
present.

CORAM : SANDEEP K. SHINDE, J.

Tuesday, 25th February, 2020.

P.C. :

1. Heard.

2. Applicant is seeking his enlargement on bail in FIR Crime No. 42/2019 registered at Vishnunagar Police Station, Dombivali (West), Thane for the offences punishable under Sections 489(A), 489(B), 489(C) and 489(D) read with Section 34 of the Indian Penal Code.

3. It is prosecution's case that, one Mukesh

Bangera had deposited 25 currency notes of denomination of Rs.2,000/- in the bulk note acceptor, a machine installed in the Bank of Baroda, Dombivali (West) branch. However, he found corresponding credit was not given to his Account. These currency notes were given to Mukesh Bangera by the applicant as a consideration for the goods allegedly sold by Bangera to the applicant. He reported this fact to the Branch Manager and thereupon it was revealed that the currency notes allegedly deposited by Bangera were counterfeit notes. Branch Manager filed a report with the police and thereupon the subject crime came to be registered. The applicant is accused no.2; whereas Bangera was accused no.1. In the course of the investigation, report was filed under Section 169 of the Criminal Procedure Code and Bangera was released as no sufficient evidence was found to justify forwarding him to the Magistrate. The applicant, who allegedly handed over the counterfeit currency notes to Bangera came to be arrested on 25th February, 2019. The investigation in the case is over and the final report has been filed.

4. I have perused the final report. The prosecution to show the complicity of the applicant in the subject crime has heavily relied on the statement of Bangera to whom the applicant had allegedly given the counterfeit notes as a consideration for the goods sold by Bangera to him. It is may stated that, there is no evidence to suggest that Bangera had sold goods to the applicant and applicant in consideration thereof had handed over the counterfeit notes to Bangera. According to prosecution, the said transaction had taken place on 9th February, 2019. Though Bangera had deposited the counterfeit notes in the Bank on 9th February, 2019 and having found that corresponding credit was not given to his account, he had called the applicant on his mobile. However, the prosecution could not place on record the relevant CDR indicating the subject call was made by Bangera to the applicant. Be that as it may, the prosecution submitted that, when applicant's house was searched, one printer, cutter and bond papers were recovered. In my view, this recovery, prima-facie, is not sufficient to

hold that, applicant has indulged into the activity of forging the counterfeit currency notes.

5. Thus taking into consideration, the material on record, in my view, the applicant is entitled to be released on bail. It may also be stated that, there are no criminal antecedents against the applicant and additionally his presence for the trial can be secured by imposing stringent conditions and therefore the following order :

(i). The applicant arrested in C.R. No.42/2019 registered at Vishnunagar Police Station, Dombivali (West), Thane, he is directed to be released on bail on furnishing P.R. Bond of Rs.50,000/- (Rs. Fifty Thousand only) with one or two sureties in the like sum.

(ii) The applicant shall report to the Investigating Officer, twice a month on second and fourth Monday commencing from

March, 2020 for a period of one year or till the framing of charge, whichever is earlier.

(iii) The applicant shall furnish the particulars of his place of residence and contact details to the Investigating Officer of the Police Station concerned within seven days from his release.

(iv) The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.

6. It is made clear that observations made hereinabove shall be construed as expression of opinion only for the purpose of granting bail and the same shall not in any way influence the trial in other proceedings.

7. The Bail Application stands disposed off accordingly.

(SANDEEP K. SHINDE, J.)