

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

CRIMINAL APPEAL NO.1373 OF 2019

Kishore Namdeo Fular

... Appellant

V/s.

The State of Maharashtra

... Respondent

Mr. S. G. Abbas Kazmi for the Appellant.

Smt. Aruna S. Pai, Special PP. for the Respondent/State.

Mr. K. V. Saste, APP for the Respondent/State.

**CORAM : B.P. DHARMADHIKARI &
N.R. BORKAR, JJ.**

DATE: 14/2/2020.

PC.

. Order dated 14/6/2019 passed by Special Judge, NIA refusing bail to appellant/ accused No.4 is questioned by him in this appeal.

2. Submission of the appellant is the Investigating Agency had initially invoked only bailable sections 489(C) against the appellant. Other sections have been added during investigation. He submits that mere custody of counterfeit currency by itself does constitute bailable offence, therefore with oblique motive, other sections including section 120-B have been added. Not only this alleged 2018 case registered at Kasara is also being put up to show to Court the antecedents. Learned counsel submits that CDR on which the prosecution has relied is not in dispute because other alleged accused

persons reside in nearby area and the petitioner who runs a car rental business, is in contact with them.

3. Respondents rely upon reply affidavit and submit that the present appellant (accused No.4) and other accused persons were found with car. Some of the accused persons tried to use the counterfeit notes and accordingly in raid police found appellant possessing 8 counterfeit notes. 148 more counterfeit notes of Rs.2000/- denomination were found in dash board of car. Total 203 counterfeit notes and two bogus notes of Rs.100 denomination then found were seized as counterfeit currency.

4. It is further submitted that insofar as Kasara crime is concerned, the present appellant is wanted accused in that matter.

5. Learned Special PP adds that the provision of section 489 (C) (D) and 120(B) were rightly added and offence has been investigated into.

6. In brief reply, learned counsel for the appellant submits that the appellant is in car rental business since long, has roots in the society and hence is not likely to abscond. The car in which he is allegedly found or in dash board of which 148 currency notes are claimed to be found, does not belong to him. It is therefore submitted that the facts warrant his release on bail. He adds that even today the appellant has not been investigated into in relation to alleged Kasara crime.

7. The fact that crime of Kasara is already registered against the appellant is not in dispute. It is prior to the present matter.

8. In the present matter on 11/10/2018, the police apprehended accused persons after previous intelligence. 8 counterfeit currency notes of Rs.2000/- denomination were found on person of the present appellant. The other occupants of the car were in the process of using counterfeit currency only. The car in which all accused persons were traveling together were found to hold 148 bogus currency of Rs.2000/- denomination in its dash board. Total 203 currency notes were seized on that day from all accused persons in that car. Two counterfeit notes of Rs.100 denomination were also seized.

9. In this situation, submission that the present appellant was found (allegedly) possessing counterfeit currency but he had not negotiated it, does not hold any water at this stage.

10. Taking overall view of the matter, we do not see any jurisdictional error or perversity in the order of trial Court dated 14/6/2019. The appeal is therefore rejected.

(N.R. BORKAR, J.)

(B.P. DHARMADHIKARI, J.)