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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

Cr. Bail Application No. 3529 of 2019

Ranjeet Sukhdeo Rajge ... Applicant
Vs.
The State of Maharashtra ... Respondent

Mr. Aniket Nikam a/w Vivek N. Arote, for the Applicant.

Mr. Ajay Patil, APP for the Respondent - State.

CORAM : C. V. BHADANG, J.

DATE : SEPTEMBER 7, 2020

PC :

1. This is an application for bail.
2. The applicant was arrested on 13th September, 2019 on the allegation of having found in possession of counterfeit currency notes. According to the prosecution, the applicant was found in possession of 2 currency notes of Rs. 2000 denomination; 10 currency notes of Rs.500 denomination; 19 currency notes of Rs.100 denomination; and 13 currency notes of Rs. 50 denomination.
3. On the basis of an FIR lodged by ASI Hanumant Deshmukh, an offence at Crime No. 1481 of 2019 was registered against the applicant under S. 489(A), (C), (D) and (E) of Indian Penal Code, with Pandharpur City Police Station, district Solapur. It appears that during the course of investigation, a search was conducted at the

house of the applicant on 14th September, 2019, in which the investigating officer had *inter alia* recovered a Canon colour printer alongwith colour xerox copies of currency notes of Rs. 2000 and Rs. 500 denomination.

4. The learned Sessions Judge has refused to grant bail to the applicant vide order dated 29th November, 2019 passed in Cri. Misc. Application No. 1337 of 2019 mainly on the ground that if the applicant is released on bail, he will tamper with the prosecution evidence, and there is possibility of the applicant absconding. In such circumstances, the learned Sessions Judge has found that it was not appropriate to release the applicant at that stage.

5. I have heard the learned counsel for the applicant and the learned Additional Public Prosecutor for the respondent-State. Perused record.

6. It is submitted by the learned counsel for the applicant that the offence under S. 489(C) of I.P.C, which envisages possession of counterfeit currency notes is a bailable offence. It is submitted that *prima facie*, no offence is made out against the applicant under S. 489(D) and (E) of I.P.C., which alone are non-bailable. The learned counsel for the applicant has relied upon an order passed by this Court (Smt. Anuja Prabhudesai, J.) in Anticipatory Bail Application No. 1050

of 2018, dated 31st August, 2018, in order to submit that mere possession of a colour printer, which is a common electronic gadget found in any household, cannot be said to be an incriminating circumstance and at any rate possession of such a printer is not indicative of the fact that the applicant was counterfeiting or knowingly performing any process of counterfeiting, within the meaning of Section of 489 A of I.P.C.. It is submitted that the offence under S. 489(A) and (B) are connected. He submits that investigation is complete and the charge-sheet is filed, and therefore, applicant be released on bail.

7. The learned Additional Public Prosecutor has opposed the application. It is submitted that the offence is serious and the applicant was found in possession of counterfeit currency notes and in the search and seizure, conducted at his house on 14th September, 2019, material indicating the applicant's involvement in the manufacturing of counterfeit notes, has been recovered.

8. I have carefully considered the circumstances and the submissions made. The offence insofar as possession of counterfeit notes is concerned i.e. under S. 489(C) of I.P.C. is classified as a bailable offence. *Prima facie*, it does not appear from mere possession / seizure of a colour printer, that the applicant was involved in the

manufacture of counterfeit currency notes. It is true that according to the prosecution, apart from the colour printer, there were certain colour xerox of Rs. 2000 and Rs. 500 denomination notes recovered, which aspect is disputed by the learned counsel for the applicant. The investigation is complete and the charge-sheet is filed. The applicant is stated to be a permanent resident of village Kusmood, taluka Malshiras, district Solapur. Considering the overall circumstances, I find that the discretion can be exercised, subject to conditions.

9. In the result, I pass the following order.

ORDER

- (i) The criminal application is allowed.
- (ii) The applicant shall be released on bail, on executing a PR bond in the sum of Rs. 25,000/- with one or two solvent sureties in the like amount, before the learned Sessions Judge, Pandharpur.
- (iii) The applicant shall file his native address alongwith proof to the satisfaction of the learned Sessions Judge, Pandharpur.
- (iv) The applicant shall attend Pandharpur City Police Station once in two weeks on each Monday from 12.00 to 2.00 p.m. till framing of the charge / commencement of the trial.
- (v) The applicant shall undertake to remain present before the

Sessions Court on the dates of hearing.

- (v) In the event of breach of any condition, the bail is liable to be cancelled.

Vinayak
P.
Halemath

Digitally signed
by Vinayak P.
Halemath
Date:
2020.09.09
16:46:05 +0530

Sd/-
C. V. BHADANG, J.