

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.121 FO 2021

Chandrakant s/o Rajebhau Giram,
Age 25 years, Occupation Agri.& Business,
R/o At Janegaon Post Kumbhephal
Taluka Kaij District Beed.

....Applicant

VERSUS

The State of Maharashtra,
Through Police Inspector,
Police Station, CIDCO Aurangabad
City, District Aurangabad.

...Respondent

.....
Advocate for Applicant : Mr. S. S. Thombre
APP for Respondent-State : Mr. A. M. Phule
.....

CORAM : SMT.VIBHA KANKANWADI, J.

**Date of Reserving The Order :
01-04-2021.**

**Date of Pronouncing The Order :
08-04-2021.**

ORDER :

1. Present applicant is apprehending his arrest in connection with Crime No.789 of 2020, dated 08-12-2020, registered with CIDCO Police Station, Aurangabad District Aurangabad, for the offences punishable under Section 489-A, 489-B, 489-C read with 34 of Indian Penal Code, and therefore, he has filed present application under

Section 438 of Code of Criminal Procedure.

2. Heard learned Advocate Mr. S. S. Thombre for applicant and learned Additional Public Prosecutor Mr. A. M. Phule for respondent-State.

3. It has been vehemently submitted on behalf of the applicant that perusal of the First Information Report which has been lodged by Police Head Constable Dinesh Ramchandra Ban, attached to CIDCO Police Station, Aurangabad would show that the police party had received secret message and then they had intercepted two persons, fake currency notes were found from them which came to be seized by drawing panchanama. It is stated that there were in all 519 fake currency notes of denomination of Rs.200/-, 47 notes of denomination of Rs.100/- and one currency note of Rs.2000/-. Those persons gave their name as Sandip Shrimant Argade, Nikhil Abasaheb Samberao and their associate was identified as Akash Mane. Name of the present applicant was not appearing in the First Information Report. It was not appearing for subsequent remand reports also, but it came to be figured for the first time in remand report dated 11-12-2020, and it is stated to be on the basis of disclosure made by co-accused. The statement of co-accused has

no evidentiary value. Custodial interrogation of the applicant is not necessary as all the fake currency notes have been recovered from the already arrested accused persons. No specific role is attributed in the remand report to the present applicant and there is nothing with the police at this stage to connect the applicant with the crime. Learned Advocate for the applicant, therefore, strongly canvassed for grant of anticipatory bail to the applicant.

4. Learned Additional Public Prosecutor strongly opposed the application and submitted that though two persons came to be arrested at the spot with fake currency notes i.e. Sandip Argade and Nikhil Samberao, yet from the interrogation with them, name of Akash Sampatti Mane was revealed. He was arrested at Dharur District Beed, and further fake currency notes were recovered from his possession. He runs a shop by name Akash Multiservices. Colour printer, white paper and other articles used for printing those currency notes have been seized from him. When he was in police custody, he gave name of the present applicant. When the applicant was searched, he could not be found. His physical custody is required as he appears to be the mastermind who used to manufacture / prepare the fake currency notes and give it to the co-

accused for its distribution. Printing of fake currency notes and putting them in circulation is dangerous to the economy of the country, and therefore, for such anti national act, the applicant does not deserve to be released on anticipatory bail.

5. Perusal of the First Information Report lodged by Police Head Constable Dinesh Ramchandra Ban would disclose that after they had received the secret message, they have intercepted two persons proceeding on two wheeler. The personal search of those persons could reveal fake currency notes those were seized from them. Thereafter, the police papers and remand report shows that on the statements made by the co-accused, names of the further accused persons have been added. When name of Akash Mane has been taken / revealed during interrogation of the two arrested persons, his place was searched and fake currency notes are stated to have been found. But the police papers as well as remand report only show that the police have come to know that the mastermind of the crime is one Dinesh Thorat who is resident of Pune, and further it is also revealed that present applicant is also involved in the crime. It is stated that the present applicant is stated to be resident of Dharur District Beed, but the applicant has given his address as "Janegaon

Post Kumbhephal, Taluka Kaij, District Beed". The Investigating Officer says that he had searched for Chandrakant Giram resident of Dharur District Beed, but he could not be found. As aforesaid, the present applicant has given a different place of residence. The Investigating Officer has not clarified as to in which place said Chandrakant Giram was searched by him, that is either at residence or at the work place. If they had any kind of information showing connection of the present applicant with the crime or connection of said Chandrakant Giram resident of Dharur District Beed, then why is said place was not searched, is a question. Merely by saying that he was not available, will not be the ground for rejection of the anticipatory bail. The Investigating Officer should *prima facie* show some connection or disclose something which would connect the present applicant with the crime and then lead this Court to the conclusion that the physical custody of the applicant is necessary. Everything appears to be vague even in the police papers. No doubt, fake currency notes and bringing them in circulation in the country is definitely an offence against the country and its economy, but unless the connection is shown, the applicant need not suffer, and therefore, case is made out to grant anticipatory bail to the present applicant. Hence, following order.

ORDER

- 1) Application is hereby allowed.
- 2) In the event of arrest of the applicant Chandrakant s/o Rajebhau Giram, in connection with Crime No.789 of 2020, registered with CIDCO Police Station, Aurangabad, for the offence punishable under Section 489-A, 489-B, 489-C read with 34 of the Indian Penal Code, he be released on P.R. of Rs.50,000/-(fifty thousand) with two solvent surety of Rs.25,000/- each (twenty five thousand).
- 3) He shall not tamper with the evidence of the prosecution in any manner and shall co-operate with the investigation.
- 4) He shall not indulge in any criminal activity.
- 5) Before submission of bail papers, the applicant should give complete address of his residence with his mobile number.
- 6) The appellant to attend CIDCO Police Station, Aurangabad District Aurangabad on every Monday, Wednesday and Saturday, in between 10.00 a.m. to 02.00 p.m.

(SMT. VIBHA KANKANWADI)
JUDGE

vjg/-