

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD.**

ANTICIPATORY BAIL APPLICATION NO. 849 OF 2021

Sitaram s/o Laxman Kale,
Age : 48 years, Occu. Agri & Labour,
R/o. Dahigaon Bolka,
Tq. Kopargaon, Dist. Ahmednagar.

...Applicant

Versus

The State of Maharashtra

...Respondent

.....
Mr. Pavan P. Uttarwar, Advocate for the applicant
Mrs. Vaishali S. Choudhari, APP for respondent / State
.....

CORAM : V. G. BISHT, J.

RESERVED ON : 03rd September, 2021
PRONOUNCED ON : 14th September, 2021

PER COURT : -

1. This is an application under Section 438 of the Code of Criminal Procedure, 1973 preferred by the applicant seeking grant of pre-arrest bail in connection with Crime No. 0079 of 2021, registered with Sillod City Police Station, District Aurangabad (Rural), for the offences punishable under Sections 420, 417, 406 r/w 34 of the Indian Penal Code.

2. It is the case of prosecution that the informant runs a business of grocery (bhusar) i.e. to buy and sell of grains at Pal Phata, Phulambri, Tq. Phulambri. Two persons, namely, Kale Patil i.e. applicant herein and one Sunil visited his shop and told him that they would give him Rs. 20.00 lakh in exchange of Rs. 10.00 lakhs and also said that they only want to exchange the notes as they have got lot of moneys. Thereafter they visited informant's shop 4 to 5 times and even on one visit gave Rs. 1200/- and asked informant to use those notes and test the genuineness or otherwise of the same. Informant found those currency notes to be genuine and as such they gained confidence of the informant.

3. Prosecution alleges that on 03.06.2021, when he along with his relatives reached at Bhokardan Naka as asked by those persons with cash amount of Rs. 10.00 lakhs, he found two persons there with a black colour bag. He then exchanged the bag. On exchanging the bags, those persons fled away in a white colour four wheeler. When the informant opened the black colour bag, he found fake currency notes. Accordingly, the informant lodged the report.

4. Mr. Pavan P. Uttarwar, learned Counsel for the applicant, submits that there are vague allegations against the applicant. Those

persons who had allegedly exchanged the bag of notes have already been released on regular bail and in such circumstances, the present application also deserves to be allowed.

5. Mrs. Vaishali S. Choudhari, learned APP, on the other hand, opposed the submissions by contending that all the accused including present applicant were in contact with each other. Learned APP then invited my attention to the investigation papers wherein CDR record is collected by the Investigating Officer and then submitted that the record shows that all the accused were constantly in touch with each other. Since huge amount is involved and the investigation is in progress, the custody of the present applicant is necessary.

6. A careful reading of the FIR would show that the applicant and his companion, namely, Sunil not only visited the shop of the informant repeatedly but in order to gain his confidence also gave him currency notes of Rs. 1200/- and thereafter also persuaded him to part with Rs. 10.00 lakhs so that they could give him Rs. 20.00 lakhs in exchange. Ultimately, with the help of other accused, *prima facie*, it appears that the applicant was successful in deceiving the informant.

7. It may be that some of the accused have already been released on regular bail but the present applicant and the said Sunil appears to be main accused behind the said episode. Having regard to the nature of allegations and as also the gravity of the offence, in my considered opinion, the present application does not merit consideration and is, therefore, liable to be rejected.

8. In view of above, I pass the following order.

ORDER

i] The application is rejected.

**[V. G. BISHT]
JUDGE**