

IN THE HIGH COURT OF BOMBAY AT GOA
CRIMINAL APPLICATION (BAIL) NO. 1 OF 2021

Mr. Rahul Luthra Applicant
Versus
State, Thr. the Police Inspector,
Office-in-Charge & Another Respondents

Mr. Amit Palekar with Mr. Rohan P. Desai, Advocates for the Applicant.

Mr. S.G. Bhobe, Public Prosecutor for the Respondents.

Coram:- M.S. JAWALKAR, J.

Date:- 20th January, 2021

P.C.

Heard Mr. Amit Palekar, the learned Counsel for the applicant and Mr. S.G. Bhobe, the learned Public Prosecutor for the Respondents.

2. The present application is filed for regular bail.

3. The applicant-accused has been placed under arrest in Crime No. 254/2020 dated 14.09.2020 registered at Panaji Police Station under Sections 489-A, 489-B, 489-C, 489-D and 489-E of the Indian Penal Code (IPC, for short).

4. It is the case of the respondents that on 14.09.2020 some unknown persons came to the shop of the complainant under the name and style of 'Baskin Robbins' and supplied counterfeit currency for purchase of an ice cream in Caranzalem and Porvorim and handed over certain denomination of notes, which were later found out by the complainant as counterfeit.

5. The learned Counsel for the applicant further submitted that the prosecution has no evidence and that there was no *mens rea* on the part of the applicant that he was having any intention or knowledge that the possession of the notes with the applicant were counterfeit and that he was involved in the trade of supplying the same.

6. The learned Public Prosecutor, Mr. Bhobe filed his say on behalf of the State, Panaji Police Station. The learned Public Prosecutor submitted that the offence is of serious nature and if the accused is released on bail, his possibility of attending the trial is nil. He also submitted that the applicant may tamper with the witnesses and also flee from justice.

7. The applicant had earlier moved an application for bail, which was dismissed. His application was dismissed mainly on the ground that the applicant is a native of Punjab and the offence of using counterfeit notes carry severe punishment and there is every likelihood of evading the said punishment.

8. The police upon the complaint of the complainant registered the offence. It is submitted that the applicant has been in custody since 14.09.2020. The necessary investigation is complete. Chargesheet is also filed. The main accused Mr. Narayan Singh Sisodiya has been released on bail by this Court.

9. It appears that chargesheet is filed. Though Section 34 of IPC is applied by the prosecution, the contention of the prosecution is that the applicant is found in possession of counterfeit notes in his wallet. As such, it is submitted that there is no role of the applicant that can be attributed to the said incident from the investigation and he is in incarceration without any cogent and reliable evidence.

10. On the basis of bail granted to Narayan Singh Sisodiya, the applicant cannot claim parity. However, independently, on perusal of chargesheet, prima facie, applicant/accused is alleged to have in possession of counterfeit notes. Now chargesheet is filed. Investigation is complete. The apprehension of the prosecution that the applicant being a native of Punjab, he may flee from justice, which can be taken care of by imposing stringent conditions. Accordingly, I proceed to pass the following order:

ORDER

- (a) The application is allowed.
- (b) The applicant, Mr. Rahul Luthra is directed to be released on bail on his executing P.R. Bond in the sum of Rs.50,000/- in addition to cash surety of Rs.50,000/- before the learned Additional Sessions Judge, Panaji.
- (c) The applicant shall furnish his permanent address to the Court and he shall also inform to the Court if there is any change in the address. The address given by the applicant be verified by the I.O.

- (d) The applicant shall also furnish his present mobile number to the Court and also any change in the mobile number in future to the Court.
- (e) The applicant shall not leave India without permission of the Court and so also he shall furnish the information about his passport by placing copy of the same on record. On receiving such information, the I.O. to inform the immigration authority.
- (f) The applicant to also inform about any renewal in the passport to the concerned Court and the I.O.
- (g) The applicant shall attend the hearing of the case on the dates given by the Trial Court.
- (h) The applicant shall not influence, induce, threaten or coerce the witness.
- (i) The applicant's failure to abide by these conditions, will entail the prosecution to apply for cancellation of bail.

(j) The application is disposed of in the aforesaid terms.

10. Parties to act on the authenticated copy of the order.

M.S. JAWALKAR, J.

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ESHA SAINATH

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