

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

CRIMINAL BAIL APPLICATION NO. 95 OF 2020

Sandip Vasant Naphade	 Applicant
Versus	
The State of Maharashtra	 Respondent

Mr. Shrikant Shirsath for Applicant.
Mr. Amit A. Palkar, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 17th JULY, 2021
(Through Video Conferencing)

P.C. :

1. The Applicant is seeking his release on bail in connection with C.R.No. 10 of 2018 registered at Vimantal police station, Dist. Pune, on 06/01/2018, under sections 489-A, 489-B, 489-C and 489-D of the Indian Penal Code (for short 'IPC').

2. Heard Shri. Shrikant Shirsath, learned counsel for the applicant and Shri. Amit Palkar, learned APP for the State.

3. The prosecution case has unfolded through the First Information Report (for short 'F.I.R.') lodged by police constable Ajay Thorat on 05/01/2018. He has stated that, he was working with Anti Robbery Cell, Crime Branch at Pune. On 05/01/2018, at

about 3:00p.m. they received a secret information that, one person was present at Tingre Nagar, Pune. He had counterfeit currency notes with him and he was giving those notes to others. Description of his dress was also mentioned in the information. The police arranged to conduct raid. Two panchans were called. They received further information that the said person was present outside the ATM at Kalvad vasti, Lohgaon, Pune. The police party went there. They saw that person. He matched the description given in the information. As he saw the police party, he started running away. He was apprehended. The police carried out his personal search. He was found to carry 500 counterfeit currency notes of Rs.100 denomination. He confessed that, those were counterfeit notes. He told the police that those notes were made by co-accused Uday Pratap Vardhan and the applicant himself was planning to use them in the market. He showed his willingness to point out Uday's house. The police party went there. They found some more counterfeit currency notes in the house. Co-accused Uday was present there. Both of them were arrested and this F.I.R. was lodged.

4. Learned counsel for the applicant submitted that, as per the prosecution case, Uday was the main accused and the applicant was used as a pawn by Uday. He submitted that, there was no evidence in the entire charge-sheet to show that the applicant had actually used those notes. Therefore, the offence does not travel beyond section 489-C of the IPC, which is a bailable offence. He, therefore, submitted that the applicant be released on bail since he is in custody on such allegations since 06/01/2018.

5. Learned APP opposed this application. He submitted that the offence is serious and leniency should not be shown to the applicant.

6. I have considered these submissions. With the assistance of both learned counsel, I have perused the entire charge-sheet. The charge-sheet basically consists of panchanama and statements of the witnesses who were members of the police party who had conducted this raid. They have consistently narrated the story as described in the F.I.R. At this stage, there is hardly any dispute that the applicant was found with the

counterfeit currency notes. However, the question remains as to what offence the applicant has committed. Even as per the prosecution case, allegations do not travel beyond possession of forged or counterfeit currency notes, as far as, the applicant is concerned. Even as per the prosecution case, it was the co-accused who was printing those notes. Therefore, the applicant was not concerned with printing of those notes. At the highest, the case against him is under section 489-C of the IPC. The applicant is already in custody for such allegations since 06/01/2018. Therefore, I am incline to grant bail to the present applicant.

7. Hence, the following order :

ORDER

- (i) In connection with C.R.No. 10 of 2018 registered at Vimantal police station, Dist. Pune, the applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- (ii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)