

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.560 OF 2020

Shubham Dilip Kshirsagar	 Applicant
Versus	
The State of Maharashtra	 Respondent

Mr. Shailesh Kharat, Advocate for the Applicant.

Smt. A.A. Takalkar, APP for the Respondent-State.

CORAM : SARANG V. KOTWAL, J.

DATE : 21st JUNE, 2021
[Through Video Conferencing]

P.C. :

1. The applicant is seeking his release on bail in connection with C.R. No.222/2019 registered at Samarth Police Station, Pune under Section 489-B, 489-C read with 34 of IPC. The applicant was arrested on 28.7.2019 and since then he is in custody. The investigation is over and the charge-

sheet is filed.

2. The FIR was lodged by PSI Nikhil Pawar. He has stated that they were on patrolling duty on that day in the area. They received a secrete information that the present applicant and one Rahul Vachkal were to come in their Honda City car. They were in possession of fake currency notes. The police party thereafter called panchas and arranged to conduct raid. They kept watch in the area near Ambedkar College. At about 2:30 p.m., the car as mentioned in the information came there. The police encircled the car and apprehended the persons in the car. They were the present applicant and Rahul Vachkal. Search was carried out. The applicant was found to have 80 currency notes of Rs.500/- denominations with certain numbers. Rahul was having three currency notes of Rs.2000/- denominations. The dash-board of the car had 92 currency notes of Rs.200/- denominations. The applicant admitted before the panchas and the police that those notes were fake currency notes. On this basis, the FIR is lodged and the applicant is arrested.

3. Heard Shri Shailesh Kharat, learned counsel for the Applicant and Smt. A.A. Takalkar, learned APP for the State.

4. Learned counsel for the applicant heavily relied on the order passed by this Court (Smt Bharati Dangre, J.) on 22.12.2020 in Criminal Bail Application No.1205/2020. He submitted that vide that order the co-accused Rahul Vachkal is granted bail. The applicant's role is same and the evidence against him is exactly the same as that of the co-accused Rahul Vachkal who is granted bail.

5. Accused No.3 Nidhish Kalamkar who was the main accused from whom the notes were taken is already released on default bail. He, therefore, submitted that on principles of parity, the applicant deserves to be released on bail.

6. Learned A.P.P. opposed this application. She submitted that the offence is serious. There are statements of other police officers who were parties to the raid. There is

also panchnama of the entire incident.

7. I have considered these submissions. With the assistance of both learned counsel for the parties I have perused the charge-sheet. The charge-sheet contains statements of members of raiding party who have stated the story as mentioned in the FIR. The panchnama is also to the same extent.

8. I am taking into consideration ground of parity, available to the present applicant in view of the order passed by this Court, as mentioned earlier, in Criminal Bail Application No.1205/2020 in respect of co-accused Rahul Vachkal. There is absolutely no difference between the role of the applicant and the co-accused Rahul Vachkal, who is granted bail. The nature of evidence is also the same. The third co-accused is also granted bail under Section 167 of Cr.P.C. Therefore, the applicant can be extended the same benefit. He can be released on bail on similar grounds. Hence, the following order:

ORDER

- (i) In connection with C.R. No.222/2019 registered with Samarth Police Station, 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) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case and shall not tamper with prosecution evidence.
- (iii) The applicant shall cooperate and attend the trial regularly unless exempted by the trial Court.
- (iv) The Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)