

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

CRIMINAL BAIL APPLICATION NO. 1695 OF 2020

Sunita Anand Jadhav

.... Applicant

Versus

The State of Maharashtra

.... Respondent

Mr. Rahul V. Shinde for the applicant.

Mr. H.J. Dedhia, APP for the State/Respondent.

**CORAM : SARANG V. KOTWAL, J.
DATE : 3rd MARCH, 2021**

P.C. :

1. The Applicant is seeking her release on bail in connection with C.R.No. 20 of 2019 registered at Bundgarden Police Station, Pune, under sections 489A, 489B, 489C and 489D of the Indian Penal Code. The Applicant was arrested on 12/1/2019 and since then she is in custody. The investigation is over and charge-sheet is already filed .

2. Heard Mr. Rahul Shinde, learned Counsel for the

applicant and Mr. H.J. Dedhia, learned APP for the State.

3. The FIR was lodged by PSI Jaywant Jadhav. The incident took place on 08/01/2019. When the informant was present alongwith his staff at Crime Branch Unit II, Pune, one of the Police constables received an information that one couple was proceeding towards Dhole Patil Road to circulate counterfeit currency notes. After securing necessary permission from senior officers, informant alongwith his staff went towards that spot and apprehended the couple. They were accused No. 1 Rajesh Dhilodh and accused No. 2 Alka Kshirsagar. Counterfeit currency notes purported to be of an amount of Rs. 1,17,000/- were found with accused No.1 Rajesh and similar notes worth Rs. 50,000/- were found with accused No. 2 Alka. On this basis the FIR was lodged and investigation was carried out. During the investigation, it was revealed that one Anant Jadhav was also engaged in similar offence. Therefore police searched for him and arrested him.

4. It is a prosecution case that he gave memorandum statement under section 27 of the Evidence Act and showed his willingness to point out the place in his house where he had concealed other counterfeit notes purported to be of the denominations of Rs. 2000/- and Rs. 500/ . He led the police to his house from where counterfeit notes purportedly worth of Rs. 24000 were recovered. It is in this memorandum statement, that the applicant's name transpired and she was arrested.

5. Learned Counsel for the applicant submitted that the applicant is in custody since 12/1/2019. The co-accused Alka Kshirsagar who was actually found in possession of counterfeit notes at the time of raid was granted bail by this Court (Coram: Revati Mohite Dere J.) vide order dated 22nd January 2021 in Criminal Bail Application No. 2502 of 2019. Therefore, he submitted that on the ground of parity applicant can also be released on bail.

6. Learned APP opposed this application. He submitted that offence is serious and the counterfeit notes were found from applicant's house.

7. I have considered these submissions. The police went to the house of the applicant as they were led there by co-accused Anant Jadhav. Said Anant Jadhav is husband of the present applicant. The reference to applicant's name in the memorandum statement is inadmissible. The fact that counterfeit notes were found in house is an incriminating circumstance against the co accused Anant Jadhav because he has led the police to that particular place. Moreover exclusive possession of those notes against the present applicant is not shown.

8. Therefore, on merits the applicant deserves to be released on bail. In any case, the co-accused is also released on bail when there was definite material against her as she was found in possession of counterfeit notes. Therefore, on parity also the applicant deserves to be

released on bail. The applicant is in custody since 12/1/2019. She is a lady. The investigation is over and the charge-sheet is already filed. Her further custody during pendency of the trial is not necessary.

9. Hence the following order.

ORDER

- (i) In connection with C.R. No 29 of 2019 registered with Bundgarden Police Station, Pune, the Applicant is directed to be released on bail on her 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.)