

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.340 OF 2022

Rahul Jogaram Bishnoi .. Applicant
Versus
The State of Maharashtra .. Respondent
...

Mrs.Anjali Patil i/b Nauman Shaikh for the applicant.
Mr. S.V.Gavand, APP for the State.

CORAM: BHARATI DANGRE, J.
DATED : 3rd AUGUST 2022

P.C:-

1 The applicant came to be arrested on 8/9/2021 in C.R.No. 753/2021 which invoke Section 489B, 489C, 420 r/w Section 34 IPC.

2 The case of the prosecution is that, a complaint is filed by the informant Anil Sonsheth Gangan, an owner of general store, that on 8/9/2021 one person brought certain grocery items from him alongwith one packet of cigarette worth Rs.240/-. He handed over a currency of Rs.2,000/- which was found to be a counterfeit currency.

3 Investigating machinery was set rolling and another currency of Rs.2000/- with the same number was recovered from the said person. The person has been identified as accused no.1 Omprakash Vishval. On his remand, the applicant came to be arrested and from his possession, one currency note of Rs.2000/- which is alleged to be counterfeit was seized.

Tilak

4 Though the applicant is also accused of Section 489B, prima facie, the said offence cannot be said to be made out, as he has not sold or bought or received or dealt with the forged or counterfeit currency note, having reason to believe that it is forged or counterfeit. The offence with which the applicant can be charged, is being in possession of currency note, which offence is punishable with Imprisonment of either description of a term which may extend to 7 years with fine or both.

 In fact, Section 489C is bailable offence since instead of imprisonment, even a fine can be imposed on being found guilty of the offence.

5 The learned APP, however submit that since the applicant is charged with Section 34, he shall also face charge u/s.489B. The common intention shared by the applicant will be determined at the time of the trial. The applicant deserve to be released on bail. It is made clear that the observations made above are restricted for determination of the present application and the trial Court in any way shall not be influenced by the said observations, when the trial is conducted. Hence, the following order :

ORDER

(a) Application is allowed.

(b) Applicant – Rahul Jogaram Bishnoi shall be released on bail in connection with C.R.No.753 of 2021 registered at V.P. Road Police Station on furnishing P.R. bond to the extent of Rs.25,000/- with one or two sureties of the like amount.

(c) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts

of case so as to dissuade him from disclosing the facts to Court or any Police Officer and should not tamper with evidence.

(d) The Applicant shall regularly attend trial, on every date, unless he is exempted.

(SMT. BHARATI DANGRE, J.)