

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.551 OF 2022

Omprakash Mohanlal Bishnoi .. Applicant

Versus

The State of Maharashtra .. Respondent

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Mr.Sachin Chandan for the Applicant.

Mr.S.V.Gavand, A.P.P. for the State/Respondent.

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CORAM: BHARATI DANGRE, J.
DATED : 10th NOVEMBER, 2022

P.C:-

1. The applicant, who is charged for the offence punishable under Sections 489B, 489C, 420 read with Section 34 of IPC in C.R.No.753 of 2021, seeks his release on bail by claiming parity with co-accused Rahul Jogaram Bishnoi, who was released on bail by order dated 03/08/2022 (Bail Application No.340 of 2022).

2. The case of the prosecution is that, a complaint is filed by the informant Anil Gangan, an owner of a General Store that on 08/09/2021, one person purchased certain grocery items from him and handed over a currency note of Rs.2,000/-, which was found to be counterfeit.

The investigating machinery started rolling and another currency note of same number was recovered from the said person, who is none else than accused No.1, the present applicant.

3. Learned A.P.P. Mr.Gavand would vehemently submit that from the fact that the two currency notes were bearing the same number, it can be inferred that the applicant had knowledge that the notes are fake.

While releasing the co-accused on bail, I have made the following observations :-

“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.”

I see no reason why the said observations cannot be made applicable to the present applicant. Moreso, when the investigation is complete and the charge-sheet is filed, the applicant can await the outcome of his trial, while being on bail, subject to the following conditions.

: ORDER :

- (a) Application is allowed.
- (b) Applicant – Omprakash Mohanlal Bishnoi shall be released on bail in connection with C.R.No.753 of 2021 registered with V.P.Road Police Station on furnishing P.R. Bond to the extent of Rs.25,000/- with one or two sureties in the like amount.
- (c) The applicant shall attend the trial on regular basis, unless and until specifically exempted.
- (d) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade

him from disclosing the facts to Court or any Police Officer. The applicant shall not tamper with evidence.

(e) On being released on bail, the applicant shall furnish his contact number and residential address to the Investigating Officer and shall keep him updated, in case there is any change.

(SMT. BHARATI DANGRE, J.)