

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

CRIMINAL BAIL APPLICATION NO.3857 OF 2021

Mr.Raju @ Ranjeet Singh Fatuba Parmar ... Applicants

Vs.

The State of Maharashtra ... Respondent

Mr.Sandeep Mishra i/b Mr.Arun Singh for the Applicant.

Mr.S.R. Agarkar, APP for the Respondent –State.

Mr.V.D. Taktonde, PSI a/w Mr.V.T. Vonmane PN/1245 Nigadi
Police Station, Pimpri-Chinchwad.

CORAM : C.V. BHADANG, J.

RESERVED ON : 18 JANUARY 2022

PRONOUNCED ON : 24 JANUARY 2022

P.C.

. By this Application, the Applicant-accused is seeking bail. The Applicant along with others has been charge-sheeted for the offence punishable under Section 489(A)(B)(C) and (D) read with Section 34 of the Indian Penal Code in crime No.302 of 2021 of Nigadi Police Station, District-Pune.

2. The prosecution case as disclosed as per FIR lodged by Police Naik Ramesh Mavaskar is that on 23 June 2021 there was a prior information received that a person would be waiting in front of the crematorium at Nigadi, carrying counterfeit notes.

Accordingly a trap was laid and in the said trap the co-accused Gorakh Dattatray Pawar was found to be possessing 50 currency notes of Rs.2,000/- each. It was also found that the Applicant was possessing a Jupiter two wheeler bearing No.MH-13-DL-0285 and from the dicky of the said vehicle 243 currency notes of Rs.2,000/- each were recovered. Thus according to the prosecution 293 currency notes of Rs.2,000/- each were found in possession of the co-accused Gorakh Pawar worth Rs.5,86,000/-. It appears that the currency notes were sent to State Bank of India, Nigadi Branch, which has certified that the notes are counterfeit currency notes. The co-accused Gorakh Pawar was taken into custody and during investigation the name of the co-accused Vithal Gajanan Shevale surfaced who was arrested on 25 June 2021. In addition to the currency notes recovered as above currency notes worth Rs.5,20,000/- were also seized from the house of Gorakh Pawar where as counterfeit currency notes of Rs.3,70,500/- were recovered from the house of Vithal Shevale.

3. During further investigation the name of Jitendra Panigrahi was revealed who is resident of Gujrat. It was found that Jitendra Panigrahi was already arrested by Anti-Terrorism Squad (ATS) in connection with a similar offence. Later his custody was obtained and during the interrogation the name of the present Applicant Raju @ Ranjitsingh Parmar was revealed. The investigation shows that at the instance of the Applicant fake

notes of Rs.15,90,500/- were seized. The present Applicant along with co-accused Kiran Kumar Patel and Jitendra Kumar Patel were arrested on 10 July 2021 and after investigation a charge-sheet is filed.

4. I have heard the learned counsel for the Applicant and the learned Additional Public Prosecutor. With the assistance of the learned counsel for the parties I have gone through the record.

5. It is submitted by the learned counsel for the Applicant that the offence against the Applicant, at the highest would fall under Section 489(C) of IPC i.e. of possession of forged or counterfeit currency notes. It is submitted that the Applicant is not accepting or admitting the recovery. However, even going by the prosecution case the offence would be under section 489(C) of IPC which is bailable.

6. It is submitted that the offence cannot fall under any other section, inasmuch as, the Applicant is neither involved in the counterfeiting of the notes or using the currency notes as genuine. Thus in the submission of the learned counsel the offence under Section 489(A) and 489(B) of Indian Penal Code is *prima facie* not made out.

7. The learned counsel also sought parity with co-accused Kiran Kumar Patel who has been released on bail by the learned Sessions Judge by order dated 25 November 2021 in Sessions Case No.704 of 2021.

8. The learned Additional Public Prosecutor has submitted that Section 489(B) of IPC also takes into its ambit a case of trafficking in counterfeit currency notes. It is submitted that parity cannot be sought with accused Kiran Kumar Patel as there was no recovery from the said accused and that was the reason for his release on bail. It is submitted that the Applicant is part of the larger conspiracy responsible for circulation of the fake currency notes which is a serious threat to the economy in general.

9. I have carefully considered the submissions made. The Applicant cannot claim parity with Kiran Kumar Patel as the perusal of the order passed by the learned Sessions Judge shows that there was no recovery from the said accused. The contention that the offence cannot fall under Section 489B also cannot *prima facie* be accepted. This is because Section 489B also covers a case of trafficking.

10. The said offence invites a maximum sentence of imprisonment for life. There is *prima facie* material to show that

the Applicant is part of the chain involving circulation of fake currency notes. The offence is serious as same involves a threat to the economy.

11. Thus considering the overall circumstances, no case for grant of bail is made out. The Application is rejected.

C.V. BHADANG, J.