PMB

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.3478 OF 2022

RAVI BHUSHAN SHUKLA
(ALIAS BAJRANG SHUKLA) ..APPLICANT
VS.
THE STATE OF MAHARASHTRA ..RESPONDENT

Mr. Rajdip Ray a/w Mr. Rajeshwar Prasad a/w Mr. Emamuddin Azmi a/w Mr. Nachiket Bhone for applicant.

Ms. A. A. Takalkar, APP for State.

Mr. Santosh R. Ugalmugale, API, Mumbra Police Station.

CORAM : M. S. KARNIK, J.

DATE : DECEMBER 16, 2022.

P.C. :

1. Heard learned counsel for the applicant and learned APP for the State.

2. This is an application for pre-arrest bail in respect of the offence punishable under Sections 420, 406 read with Section 34 of the Indian Penal Code, 1860 in connection with C.R. No.0095 of 2022 dated 01/02/2022 registered with Mumbra Police Station, Thane.

3. The date of the FIR is 01/02/2022. The complainant is having jewellery shop at Diva. The complainant was acquainted with one Anil Chintaman Upadhyay. During the Covid period, the business of the complainant was not doing well. Anil introduced him to Ravi Shankar Upadhyay, a resident of Zinia District Joundhpur, Uttar Pradesh, who was involved in the business of counterfeit currency notes. The scheme that was proposed to the applicant was that if he pays a sum of Rs.50 lakhs, they would give him counterfeit currency notes of value of Rs.2 Crores. In installments an amount of Rs.50 lakhs was paid by the complainant to the accused, including the applicant. The complainant was in financial difficulty during the Covid times and therefore, he agreed to invest money in the said scheme. On an earlier occasion the accused gave a demonstration of how the notes are printed. The said notes were used by the complainant.

4. Thereafter, in one hotel, sometime on 15/01/2021 the complainant gave Rs.38 lakhs to the present applicant and one Ravi, being a total of Rs.50 lakhs. It is alleged that the bundle of notes were wrapped and thereafter, the money was taken away. The money was never handed over to the complainant. He therefore, approached the Police Station and lodged the said FIR.

5. Learned counsel for the applicant submitted that one of the co-accused i.e. Ravi, who is the accused No.1 has been granted regular bail by the trial Court. On the ground of parity, learned counsel for the applicant sought bail for the present applicant.

6. It is further submitted that the applicant is willing to co-operate with the Investigating Officer. Learned counsel for the applicant then relied upon the decision in the case of **Sushila Aggarwal and others vs. State (NCT of Delhi) and another**[1] to bring to my notice the principles laid down by the Supreme Court which are to be considered while granting anticipatory bail. According to learned counsel for the applicant, this is a fit case where the applicant is willing to co-operate, and hence need not be arrested.

7. In my opinion, though the allegation of the complainant itself is based on an illegal premise but nonetheless, having regard to the seriousness of the

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allegation i.e. act of the applicant in printing counterfeit notes, it is necessary that a detailed investigation is made. In my opinion, in this case, the custodial interrogation of the applicant cannot be dispensed with. The allegations involved seriously affect the economy of the Country.

8. Learned APP submitted that there are criminal antecedents of similar nature against the co-accused, though not against the applicant. The applicant's involvement is evident from the statement of the complainant.

9. The Anticipatory Bail Application is rejected.

(M. S. KARNIK, J.)