

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (BA) NO.224 OF 2022

Amit s/o Atmaram Katare and others

Vs.

State of Maharashtra, Through Police Station Officer, Police Station, Telhara,
District Akola

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. R. J. Shinde, Advocate for applicants.
Mrs. S. Haider, APP for non-applicant/State.

CORAM : AVINASH G. GHAROTE, J.
DATE : 24/03/2022

Heard Mr. Shinde, learned counsel for the
applicants and Ms. Haider, learned APP for
non-applicant/State.

2. The applicants are arraigned for the offence punishable under Sections 489-B and 489-E read with Section 34 of the Indian Penal Code. The date of the incident is 02.02.2022. The applicant has been arrested on same date. The matter is still under investigation.

3. Mr. Shinde, learned counsel for the applicants submits, that even on the basis of reading of the allegations in the complaint, it would be apparent, that the offence under the aforesaid provisions are not made out, and therefore, the applicants are entitled for bail.

4. Mrs. Haider, learned APP for non-applicant/ State, opposes the application, contending that the intention was to cheat persons, by making false representation that the currency note was being tendered was a genuine one, and therefore, the application is to be rejected.

5. A perusal of the FIR indicates, that the complainant is a Police Head Constable Amol Pralhad Solanke B. No. 1934, who on the date of incident on patrolling duty on Telhara Alsud Road at about 7 p.m., when a Scorpio vehicle bearing registration No. MH-43-AK-776, came near him from which one of the applicant, is claimed to have asked for a change of Rs.500/- from him. Two notes of Rs.500/- were given to him and those persons went away without receiving the change, as appears from the FIR, leaving the notes with the complainant. Later on, when the notes were carefully seen by the complainant, he found that the notes were not drawn on the Reserve Bank of India but on the Childrens Bank of India, as a result of which, he apprehended the applicants by help of the Police machinery, consequent to which, they were arrested the FIR dated 02.02.2022 was registered. A perusal of the notes which was tendered by the applicants to the complainant would indicate, that they have "Childrens Banks of India" printed on the top of the notes at two places. The number on the notes is 000000 and on the right hand side it is written "For project school use only." It is thus apparent, that the note is not counterfeit one

but specifically indicates, that it is for the project school use only. Though, it may be some what similar to actual currency note, however, there are distinct differences as indicated above. That apart, it is not a disputed position, that no money was taken from the complainant in exchange of the said note, which is a position, which is also apparent from the perusal of the FIR. However, it is material to note, that what is seized from the vehicle in which the applicants were 15000 notes similar in nature. One can understand possession of a note or two of the nature with a person, and an intention to play pranks on its basis, however, the possession of 15000 such notes indicates otherwise and lends *prima facie* credibility to the commission of the offence alleged, considering which, I am not inclined to accept the plea, the applicants are not entitled for bail. The application is rejected.

JUDGE

Sarkate