

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

CRIMINAL APPLICATION (ABA) NO.215 OF 2022

Vijaysingh Rajhansingh Thakur

Versus

State of Maharashtra, through P.S.O., P.S. Telhara, Dist. Akola

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri Mir Nagman Ali, Advocate for the applicant.

Ms S.S. Jachak, A.P.P. for the non-applicant/State.

CORAM : ANIL S. KILOR, J.

DATED : 18/04/2022

1. The applicant is seeking pre-arrest bail in Crime No.53 of 2022, dated 02/02/2022 registered with Police Station Telhara, District Akola for the offences punishable under Sections 489-B and 489-E read with Section 34 of the Indian Penal Code.

2. It is the case of the prosecution that the complainant is a Police Head Constable who lodged the report, stating that he was patrolling along with other Police Official, at that time he received a phone call from one Sheikh Murad Sheikh Ajis, informing on the phone that on 02/02/2022 around 7.30 to 8.00 evening when he was standing near the Telhara to Adsul road, at that time two four wheeler vehicles came there. Out of two four wheelers one was Scorpio bearing No.Mh-43-AL-776 and one Creta car bearing No.Mh-03-CS-2743. Three persons from Scorpio vehicle

and one person from Creta vehicle get down and came towards him and demanded change of Rs.500/-. Then the complainant received two notes of 500 against change, on verification the same it reveals to his knowledge that the said 500 currency notes are fake. The complainant therefore, chased the accused persons and with the help of people from the locality caught hold them. One of the accused fled away from the spot whereas, four accused persons arrested from the spot.

3. Shri Mir Nagman Ali, learned counsel for the applicant submits that these are the toy notes and therefore, no offence will attract in this case. He submits that on a statement of co-accused, he has been arraigned as accused in the alleged offence. He therefore, prays for grant of pre-arrest bail.

4. On the other hand, Ms S.S. Jachak, learned APP points out that one of the vehicles used in the alleged offence, is owned by the applicant and four bundles of currency notes containing 100 currency notes of denomination of 500 in one bundle, were seized from the accused persons, from which their intention can be gathered.

5. It is submitted that looking to the above referred fact, the applicant cannot seek advantage on the ground that the notes were toys notes.

6. Learned APP further submits that custodial interrogation is necessary for investigation. It is further submitted that the offence is serious. Accordingly, she prays for rejection of the present application.

7. I have perused the Case Diary and also the contents of the First Information Report.

8. The applicant is the owner of one of the vehicles used in the alleged crime and he is the person who fled away from the spot. According to the prosecution, 1,200 fake currency notes were found of denomination of 500 amounting to Rs.24,00,000/-. Thus, looking to the seriousness of the offence, the benefit claimed by the applicant on the ground that those were toys notes, cannot be granted at the investigation stage.

9. Since, *prima facie* sufficient incriminating material is available on record against the applicant and as there custodial interrogation is necessary in this case, I am not inclined to grant pre-arrest bail to the applicant. Accordingly, I pass the following order:

The criminal application is **rejected**.

[ANIL S. KILOR, J.]