

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

Criminal Application (BA) No.365/2022

Anil Hirole V State of Maharashtra thr PSO PS Khamgaon Rural, Buldhana

Office notes, Office Memoranda of

Coram, appearances, Court's orders

or directions and Registrar's orders.

Court's or Judge's Orders

Shri S.V. Sirpurkar, Advocate for applicant.

Shri T.A. Mirza, APP for State.

CORAM : ANIL S. KILOR, J.

DATE : 12-07-2022

The applicant has approached to this Court by filing the present application under Section 439 of the Code of Criminal Procedure for grant of bail in connection with Crime No.445/2021 dated 16-12-2021 registered with Police Station Khamgaon Gramin, District Buldhana for the offences punishable under Sections 489A, 489 B, 489 C, 279, 336, 420, 511,120-B of the Indian Penal Code and 184 and 132 of the Motor Vehicles Act.

2. The learned Counsel for the applicant submits that treating 'Children's Bank of India' notes as counterfeit, the offence came to be registered against the applicant. Whereas, the said notes are toy notes and therefore on each note there is a mention in bold letters 'Children's Bank of India' and in Hindi 'मनोरंजन बैंक का खजाना'. He, therefore, submits that no offence attracts in this

case against the applicant. He further points out that in this case the investigation is over and the chargesheet has already been filed as such his custody is no further required. Accordingly, he prays for grant of bail.

3. On the other hand, learned APP strongly opposes the application and prays for rejection of the same.

4. I have perused the chargesheet, application and the reply filed by the State.

5. On last occasion, the learned APP was requested to produce the notes seized by the Police during investigation, for perusal. Today, it is produced.

6. On perusal of it even with naked eye prima facie it can be said that there is no similarity of the real currency notes and the alleged counterfeit seized by the police in this case. On each of the note, in bold letters 'Children's Bank of India' is written. Furthermore, prima facie, there is also a difference in colour.

7. Thus, prima facie, I find substance in the submission of learned Counsel for the applicant that the notes are not meant for circulation as currency notes but these are the toy notes. Therefore, it cannot be termed as counterfeit.

8. Moreover, as the investigation is over and the chargesheet has already been filed, I am of the opinion that as further custody of the applicant is not necessary, the present application needs to be allowed. In the circumstances, I pass the following order:-

ORDER

- i) Application is allowed.
- ii) The applicant in Crime No.445/2021 dated 16-12-2021 registered with Police Station Khamgaon Gramin, District Buldhana for the offences punishable under Sections 489A, 489 B, 489 C, 279, 336, 420, 511,120-B of the Indian Penal Code and 184 and 132 of the Motor Vehicles Act, be released on bail on furnishing P.R. Bond of Rs. 25,000/- with one solvent surety in the like amount.
- iii) The applicant shall attend the concerned Police Station as and when required by the Investigating Officer.

(Anil S. Kilor, J.)