

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

934 BAIL APPLICATION NO.1607 OF 2023

**OMPRAKASH JAYWANTRAO KADAM
VERSUS
THE STATE OF MAHARASHTRA**

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Advocate for Applicant : Mr. R.B. Narvade Patil
APP for Respondent : Mr. K.S Patil

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**WITH
BAIL APPLICATION NO.1709 OF 2023**

**Sunil @ Rihan Subhash Chaudhari
VERSUS
The State of Maharashtra**

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Advocate for Applicant : Mr. M.V. Jajoo
APP for Respondent : Mr. K.S Patil

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**CORAM : S. G. CHAPALGAONKAR, J.
Dated: October 26, 2023**

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PER COURT :-

1. The applicants in both these bail applications seek regular bail in connection with Crime No.0169 of 2023 dated 31.7.2023 registered with Hadgaon police station, District Nanded for the offences punishable under sections 489-B and 489-C of the Indian Penal Code.

2. Investigation was set in motion on the basis of the information given by Dashrath Kishan Muneshwar, who is working at Raj Petrol Pump. It is alleged that on 30.7.2023

while he was discharging his duties at petrol pump, the applicant Omprakash Kadam had been towards the petrol pump. He filled in the petrol worth Rs.300/- and handed over three currency notes of denomination of Rs.100/-. The informant doubted genuineness of aforesaid notes. There was some quarrel between the informant and accused Omprakash. Thereafter, police was informed. Accordingly, the applicant is arrested. During the course of the investigation, the accused/applicant Sunil Choudhary came to be arrested. It was revealed that both the applicants were possessing bundle of 100 currency notes of denomination Rs.100/-. The notes were counterfeit.

3. Learned advocates appearing for the applicants would submit that they were alleged to have found in possession of the counterfeit currency notes. The investigation progressed. During the course of the investigation, it is revealed that the currency notes were brought to Mumbai from State of Rajasthan. The applicants are working in Film City. Those notes were handed over to them towards their remunerations. Even, it was beyond their knowledge that such notes are counterfeit.

4. Learned A.P.P. strongly opposes the prayer for grant of bail. He would submit that the applicant Omprakash was not only found in possession of the notes but he attempted to use it at petrol pump. Other accused was found in possession of a bundle containing hundred notes.

5. Having considered the submissions advanced, it can be gathered that from the investigation nothing is found to establish that the applicants were aware that those notes were counterfeit. The applicants were found merely in the possession of such notes. Even the applicant Omprakash Kadam was found using the same at petrol pump, there is nothing on record to show that he had knowledge that such notes were counterfeit currency. It is brought to the notice of this Court that the source of the currency notes was found in State of Rajasthan. Accused, who were arrested to bring home link of procuring the aforesaid notes are already enlarged on bail. The papers show that the investigation is practically over. In that view of the matter, further detention of the applicants is not necessary.

6. Learned APP confirms that there are no criminal antecedents to discredit the applicants. Hence, the case is made out for grant of bail. Hence, the order.

ORDER

- i. Bail Applications are hereby allowed.
- ii. The applicant- Omprakash s/o Jaywantrao Kadam in BA No.1607 of 2023 and the applicant- Sunil @ Rihan Subhash Chaudhari in BA No.1709 of 2023 be released on bail in connection with Crime No.0169 of 2023 dated 31.7.2023 registered with Hadgaon police station, District Nanded for the offences punishable under sections 489-B and 489-C of the Indian Penal Code on their furnishing PB.

& S.B. of Rs.50,000/- (Rs.Fifty Thousand) **Each**,
on the following conditions :-

- a] The applicants shall not tamper the prosecution evidence.
- b] The applicants shall not leave the State of Maharashtra without prior intimation to the concerned police station.
- c] The applicants shall not indulge in the criminal activities.
- d] The applicants shall visit Hadgaon police station once in a week i.e. on every Monday between 10 am to 2 pm till filing of the charge-sheet.

iii. Both Bail applications are accordingly disposed off.

(S.G. CHAPALGAONKAR)
JUDGE

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