

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO. 1032 OF 2023

Anirudda Arvind Kakade

Age : 32 Years, Occupation : Business,

Residing at : 88/2, Ishwar preet Jagdeshwar

Colony, Malwadi Road, Saidapur,

Post : Kondave, Tal & Dist. Satara.

...Applicant

vs.

1. State of Maharashtra

[At the instance of Satara Taluka

Police Station, District : Satara :

Vide C.R. No. 545 of 2022]

2. Mayur @ Gurudev Mukund Kambale

Age : 35 Years, Occupation : Job,

Residing at : 29 B, Pirwadi Khed,

Near Majjid Sangam Nagar,

Tal and Dist. Satara : 415002.

...Respondents

Mr.Ramanik P. Pawar – Advocate for Applicant.

Mr.A.R.Kapadnis – APP for the Respondent-State.

Mr.R.A.Bhore – API – LCB – Satara.

CORAM : S. M. MODAK, J.

DATE : 17th APRIL, 2023

P. C. :-

1. Heard learned Advocate for the Applicant and learned APP for the Respondent-State.

2. The Police have arrested one Shekhar Nanasaheb Thorat on 25th December, 2022. He was found with 12 notes of Rs.200/- denomination. After enquiry, the arrested Accused could not give a satisfactory explanation and that is how, a Police Constable attached to Local Crime Branch has lodged a complaint with Satara Taluka Police Station and offence is registered under Sections 489(B) and 489(C) of the Indian Penal Code, 1860 [“IPC”].

3. The said arrested Accused was produced before the Court of JMFC and he was granted a regular bail. A copy of his remand reports are annexed to the Application.

4. During investigation, the Police have given a letter to the father of the Applicant thereby asking the Applicant to remain present with Crime Branch. It is annexed at Page No.39. Being apprehensive of the arrest, he has approached the Court of Additional Sessions Judge – Satara. His request was rejected predominantly for the reason that there is a statement recorded of one witness under Section 164 of the Code of Criminal Procedure, 1973 [“Cr.PC.”] and he has disclosed the name of present Applicant.

5. Learned Advocate for the Applicant has done his best to convince this Court that there are no materials showing the

involvement of the present Applicant. For that purpose, he read over the remand reports dated 26th December, 2022 and 28th December, 2022 at Page Nos.32 and 36. Learned APP admits that the name of present Applicant is not disclosed in those reports as one of the Accused involved in this offence. It is also submitted that even a statement given by the witness under Section 164 of Cr.P.C. that is one Gurudev Mukund Kambale even if it is accepted, it relates back to one and half year and as such, it has nothing to connect with notes found with the arrested Accused. According to him, the said Kambale has worked in the company A.K.Finance Solution belonging to the Applicant long back.

6. I have perused the investigation papers from the point of view as to whether the involvement of the Applicant is disclosed and whether he can be connected to the seizure made from the arrested Accused. After going through the papers, it is revealed that more than one witness has taken the name of the present Applicant. It consists of the witness Gurudev Kambale and other three witnesses. Their names are not quoted in this order as investigation is going on. After reading them, it can be said that the present Applicant has assured to some of the witnesses of paying good commission if they

will utilize the forged notes as genuine.

7. It is true that certain screen shots of forged currency notes are attached to the statements of witness. It may be true that those screen shots are not taken from the mobile handset of the present Applicant, but when the statement of the witness is perused, it reveals that Applicant was very much connected to those screen shots.

8. Sometime it happens that at the time of lodging of FIR, Police are not aware about all the facts and involvement of all the Accused persons. Sometime it is disclosed during further investigation. There are materials showing involvement of the applicant particularly in dealing with fake currency notes. Even though at present they are not neatly connected, opportunity needs to be given to the investigating agency to interrogate the applicant about source of these notes and its connection with the arrested accused person. . It is also true that fake currency notes also affects out economy.

9. What are the contentions raised today on behalf of the Applicant can be taken when regular bail application will be argued. They are not good enough to grant him anticipatory bail. I find, his custodial interrogation is required.

10. Hence, Application is rejected.

11. It is made clear that the observations made herein are prima facie, and the trial Court shall decide the case on its own merits, in accordance with the law, uninfluenced by the observations made in this order.

[S. M. MODAK, J.]