

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

CRIMINAL BAIL APPLICATION NO. 365 OF 2021

Mari Kashi Mani

Age : 42 Years, Occupation : Business,

R/o. : Room No.3, Chawl No.1,

Bandhu Bihari Chawl, Holy X Road

Poisar, Kandivli (West),

Mumbai : 400 067.

...Applicant

vs.

The State of Maharashtra

[At the instance of Kopari Police Station]

...Respondent

Mr.Sameer D. Hatle – Advocate for Applicant.

Mr.H.J.Dedhia – APP for the Respondent-State.

Mr.Shivaji N. Korade – PSI – Crime Branch – Unit No.5 – Thane City.

CORAM : S. M. MODAK, J.

DATE : 26th APRIL, 2023

P. C. :-

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

2. The Applicant is arrested on the basis of information given by the Accused No.1 – Albangan Murtuvar. He was found possessing fake currency notes. His statement is recorded under Section 27 of the Indian Evidence Act, 1872 on 30th August, 2019. (Page No.65).

He has shown readiness to show the place wherein he has kept all the articles and apparatus for preparing these fake currency notes. The room shown by him is nothing but the room possessed by the Applicant. From that room, certain printers and other articles and fake currency notes were seized. They were found to be fake currency notes as per the report given by the Nashik Printing Press. After investigation, the charge-sheet is filed against him and other two Accused persons. It is filed for the offences under Sections 489-A, 489-B, 489-C, 489-D, 201 read with 34 of Indian Penal Code, 1860 [“IPC”].

3. Learned Advocate for the Applicant submitted that the description given of the room which is alleged to be in the possession of his client on one hand and description of the room given in the leave and license agreement standing in his name on the other hand does not tally. That leave and license agreement is on Page No.75. The Present Applicant is shown as a licensee. The description of the house is given as House No.85, whereas, as per the memorandum panchnama, the description of the room is Room No.10. Apparently, there is some difference.

4. There are no statements recorded of the persons who are the

resident of nearby locality showing that Room No.10 is in possession of the Applicant. His wife's statement is also recorded.

5. Learned APP tried to point out the statement of two witnesses to whom, the fake currency note was handed over. But, it is not the present Applicant but the Accused No.1 who has handed over those notes. Learned Advocate for the Applicant tried to lay emphasis on the timings of memorandum panchnama prepared at the instance of Accused No.1 on one hand and the timings of the arrest of this Applicant mentioned in the charge-sheet and in his arrest panchnama. As per the memorandum panchnama, after visiting the spot and after verifying the information, the Police have taken the present Applicant into custody.

6. Learned APP pointed out that in the order thereby granting bail to Accused No.1 on 16th December, 2019, not a single material is considered. He may be right, but that order do exists as on today. Whereas, the same learned Judge has rejected the Application of the Applicant for the reason that the role is different.

7. It is true that role of these two Applicants are different. He is behind bar since 2019 and yet the trial has not started. So, on considering the submissions made and trial yet not started, the

Applicant is entitled to be released on bail. Hence, order :-

O R D E R

- (i) Application is allowed.
- (ii) Applicant – Mari Kashi Mani be released on bail in connection with C.R.No.80 of 2019 registered with Kopari Police Station – Thane on furnishing personal bond and surety bond of Rs.25,000/-.
- (iii) Applicant to give attendance to Kopari Police Station – Thane on first and third Saturday of every month from 10.00 to 12.00 noon for two years
- (iv) Applicant not to threaten the Prosecution witnesses or to allure them in any manner.
- (v) In case of breach of any of the conditions, the bail of the Applicant is liable to be cancelled after hearing.

8. 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.

9. Application is disposed of in the aforesaid terms.

10. All the parties to act on an authenticated copy of this order.

[S. M. MODAK, J.]