

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 1631 OF 2022

Shrikant Sadashiv Mane

... Applicant

V/s.

State of Maharashtra

... Respondent

.....
Mr. Chaitanya Pendse a/w. Mr. Amit Mane i/b. Kirankumar Phakade,
Advocate for Applicant.

Mr. Pallavi N. Dabholkar, APP for Respondent-State.

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CORAM : G. A. SANAP, J.

DATE : 25th OCTOBER, 2023

P C:-

1. The accused No.4 i.e. Applicant came to be arrested in Crime No. 592 of 2021 registered with MIDC Bhosari Police Station, Pune for the offences punishable under Section 489(A), 489(B), 489(C), 489(D) read with 34 of Indian Penal Code (for short "IPC").

2. Learned Advocate for the Applicant took me through the charge-sheet and submitted that there are material inconsistencies and lacunas in the case of the prosecution. Learned Advocate submitted that based on the alleged recovery of the counterfeit currency at the instance of Applicant, he cannot be kept behind the

bars for indefinite period. Learned Advocate submitted that considering the grounds pleaded in the application, Applicant may be released on bail. Learned Advocate submitted that Applicant i.e. accused No.4 is ready to abide by the conditions that may be imposed by the Court.

3. Learned APP submitted that this accused has past criminal record. It is pointed out that before this crime he was involved and arrested in the identical crime. Learned APP submitted that considering the seriousness of the crime, the bail application made by accused No.5 Ganesh Sudhakar Mule was rejected by the Co-ordinate Bench of this Court vide order dated 27.02.2023. Learned APP submitted that considering the criminal antecedents and the serious nature of the crime committed by the accused, no case has been made out to release him on bail.

4. I have gone through the record and proceedings. As far as the merits of the case are concerned, the same cannot be gone into at this stage. It is to be stated that at the stage of bail application, the merits of the case and credibility of evidence cannot be gone into. No finding as to the merits of the case and credibility of the evidence can be recorded. If it is so done, in my view it would cause immense prejudice either to the accused or to the prosecution. While deciding bail application Court has to consider primarily the

seriousness of a crime committed by the accused, criminal antecedents of the accused and the possibility of the accused indulging in the similar crime if enlarged on bail. In this case, there cannot be a second opinion with regard to the fact that the crime committed is a serious crime. The 5 accused as has been revealed during the course of investigation were involved in preparation and circulation of counterfeit currency notes. It is seen from the charge-sheet that the counterfeit currency notes were recovered at the instance of accused. The memorandum and discovery panchanama of the accused No.4 is a part of record. It is to be noted that the crime of this kind directly affects the economy of the country. The crime of this kind has serious implications. In the facts and circumstances, I am of the view that no case is made out to enlarge the Applicant on bail.

5. In view of the above, I pass the following Order:

(i) Criminal Bail Application is rejected.

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KILAJE

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(G. A. SANAP, J.)