



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

CRIMINAL APPLICATION (BA) NO.1101 OF 2023

(Ravi s/o Niranjana Tayde Vs. State of Maharashtra)

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. A.C. Jaltare, Advocate for the applicant.
Ms Kavimandan, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- DECEMBER 20, 2023.

Heard.

2. By this application, the applicant is seeking bail under Section 439 of the Code of Criminal Procedure in connection with Crime No.308/2023, registered with Police Station Bajaj Nagar, Nagpur for the offence punishable under Section 489-B and 489-C of the Indian Penal Code.

3. The applicant is arrested on 06/11/2023. Since then he is behind bar.

4. The accusation against the present applicant is on the basis of report lodged by Gaurav Subhashrao Tarale who is serving as a Deputy Manager in Kotak Mahindra Bank, Nagpur. As per his allegation, on 25/09/2023 when he was working as a Cashier one person by name Ajinkya Ajay Chandrayan came to the bank to deposit the amount of Rs.1,00,000/-. He counted the said amount and also verified the genuineness of said currency. On the verification, it revealed to him that 14

currency notes of Rs.500/- are the fake currencies, therefore, he informed to the police and lodged the report.

5. During investigation, the present applicant is arrested on the basis of statement of the co-accused namely Sheikh Taslim Sheikh Salim.

6. Learned Counsel for the applicant submitted that except the statement of the co-accused to the extent that the Color Printer and Computer screen and one butter paper was provided to him by the present applicant. No other material is collected during the investigation. He further submitted that the offence under Section 489-B and 489-C of the IPC is not made out against the present applicant as nothing is to be recovered from him. Now, the investigation is practically completed and further custody of the present applicant is not required.

7. Learned Additional Public Prosecutor strongly opposed the application on the ground that it was the present applicant who has provided the color printer, one computer screen and one butter paper which is revealed from the statement of the co-accused. The investigation is still in progress and the bail application deserves to be rejected.

8. Having heard the learned Counsel for the applicant and learned Additional Public Prosecutor for the State. Perused the investigation papers. Except the confessional statement of the co-accused which is not

admissible, the present applicant is shown to be involved in the present crime. As far as the present applicant is concerned nothing is recovered from him, further incarceration of the present applicant is not at all required. To attract the offence under Section 489-B the *mens rea* is an essential ingredient which appears to be absent in the present case. Considering the same, the application deserves to be allowed by imposing certain conditions. Hence, I proceed to pass the following order :

- (i) The application is allowed.
- (ii) The applicant – Ravi s/o Niranjan Tayde in connection with Crime No.308/2023, registered with Police Station Bajaj Nagar, Nagpur for the offence punishable under Section 489-B and 489-C of the Indian Penal Code, be released on bail on furnishing P.R. Bond in the sum of Rs.25,000/- with one surety in the like amount.
- (iii) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also shall not tamper with the evidence.
- (iv) Bail in Lower Court.

9. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)