



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

22 BAIL APPLICATION NO. 456 OF 2024

RAHUL GAUTAM JAWALE
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Rahul Pralhadrao Mote.
APP for Respondent/State : Mr. Rajdeep D. Raut.
...

CORAM : **SANJAY A. DESHMUKH, J.**

DATE : 06th May, 2024.

P.C.:

1 Heard.

2 This is an application, under Section 439 of the Code of Criminal Procedure, 1973 (for short "the Cr.P.C."), for grant of regular bail in connection with Crime No.465 of 2023, registered with Mukundwadi Police Station, District Aurangabad, for the offences punishable under Sections 420, 419, 464, 465, 466, 468, 471, 489(A), 489(B), 489(C), 489(D), 489(E) and 120(B) read with 34 of the Indian Penal Code.

3 It is averred in the report that the informant got information that fake currency notes are fabricated by this applicant and the co-accused. Therefore, raid was effected. It was revealed that the minor

children were used to use the said currency notes. On 27th October, 2023, the applicant and co-accused were seen suspiciously and from them currency notes of Rs.500/- were seized. Co-accused Yash Jitendra Hiwrale and Prem Umesh Bhartilak were arrested with those currency notes. Later on, it was revealed that this applicant is involved in this crime and it was on the basis of phone call details i.e. calling between this applicant and the co-accused.

4 The learned counsel for applicant pointed out that the applicant was produced before the learned Magistrate as per the order dated 28th October, 2023 at about 01:50 pm and the seizure *Panchanama* of alleged currency notes effected on the same day i.e. on 28th October, 2023 in between 12:10 pm to 03:00 pm, which falsifies the prosecution case totally. He submitted that the applicant has no criminal antecedents. He has roots in the society. He will not flee away from the trial. The trial will take a long period. Considering the false implication of the applicant, it is lastly prayed to allow the application.

5 The learned APP for the State strongly opposed the application and submitted that it is a crime against the economy of the country. The applicant is involved in the serious crime. There is *prima-facie* material against the applicant as the 400 currency notes of

Rs.500/- denomination are seized from the house of this applicant. It is lastly prayed to reject the application.

6 Perused the charge-sheet, particularly, the report and the seizure *Panchanama* of the currency notes dated 28th October, 2023 as well as the order of remand passed by the learned Judicial Magistrate First Class, Aurangabad dated 28th October, 2023. These two documents i.e. the order of remand as well as the seizure *Panchanama* of the currency notes show that at the same time the accused was produced before the Court and from his house those currency notes were seized. The main accused (Ambadas Rambhau Sasane), who fabricated those currency notes is not released on bail. Rest of the co-accused are released on bail. The applicant has roots in the society. He has no criminal antecedents. Considering the fact that the presence of this applicant can be secured for the trial as he has roots in the society, the application deserves to be allowed on the principle that bail is rule and jail is exception. Hence, the following order:-

ORDER

- I. The application is allowed.
- II. The applicant in connection with Crime No.465 of 2023, registered with Mukundwadi Police Station, District Aurangabad, for the offences punishable under Sections 420, 419, 464, 465,

466, 468, 471, 489(A), 489(B), 489(C), 489(D), 489(E) and 120(B) read with 34 of the Indian Penal Code, be released on bail on furnishing personal bond of Rs.50,000/- with surety of the like amount on following conditions:-

- a) The applicant shall not pressurize the prosecution witnesses, in any manner.
- b) The applicant shall not tamper with the prosecution evidence, in any manner.

[SANJAY A. DESHMUKH, J.]

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