

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

**INTERIM APPLICATION NO.1560 OF 2024  
IN  
CRIMINAL APPEAL NO.437 OF 2024**

Sachin Babasaheb Kamble .....Applicant  
Versus  
State of Maharashtra .... Respondent

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Mr. Sukumar Ghanavat, Advocate for the Applicant.  
Mr. Shrikant Yadav, APP for the Respondent-State.

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**CORAM : SARANG V. KOTWAL, J.  
DATE : 08<sup>th</sup> JULY, 2024**

**P.C. :**

1. This is an Application for bail pending Appeal. The Applicant was convicted for commission of the offence punishable under section 489-C of IPC by the Additional Sessions Judge, Sangli vide his judgment and order dated 1.2.2024 passed in Sessions Case No.260/2013. The Applicant was sentenced to suffer RI for five years and to pay fine of Rs.5,000/- and in default to suffer SI for fifteen days.

2. The prosecution case is that on 17.9.2013, on prior information, the Applicant was confronted near the Sangli S.T. stand. His personal search was conducted and it was found

that he was having possession of 24 currency notes of Rs.500/- denomination. All those notes were the counterfeit notes and, therefore, the FIR was lodged and the investigation was started. It transpired that there were others involved in the chain and therefore the charge-sheet was filed against ten accused. Out of them, the accused Nos.4, 6, 8 and 10 had expired during pendency of the trial. The accused No.9 was absconding. The others faced the trial. All the other accused, except the present Applicant, were acquitted. The prosecution case is that it was a chain and one after the other, the accused gave those notes to the next accused and ultimately some of the notes were found in the possession of the present Applicant. The allegations are that the accused Rayappa Gadkari, who had passed away during the trial had actually prepared those currency notes.

3. Learned counsel for the Applicant submitted that the Applicant was on bail. He has not committed any offence. There are no antecedents against him. He is the only earning member of his family consisting of his old mother and wife. The allegations against him are vague. He submitted that the investigating officer has deposed that all the notes recovered

from him were of the same serial number, which fact is not supported by the panchnama wherein it is mentioned that only twenty notes were having same serial number and other notes were having different serial numbers. He further submitted that the Applicant has not misused the liberty while he was on bail during trial.

4. Learned APP opposed these submissions based on the findings reached and recorded by the learned trial Judge. He submitted that the offence is serious.

5. I have considered these submissions. At this stage, I find that there is force in the submissions of learned counsel for the Applicant. The investigating officer, who is examined as PW-12 PI Ghadage has stated that all the notes were having the same serial number. However, the panchnama in that behalf shows that twenty notes were having the same serial number but the other notes were having different serial numbers. All those notes were purportedly of Rs.500/-. Apart from that, the pancha PW-3 Deepak Bhandare had turned

hostile. The first informant was not cross-examined by the Applicant.

6. Considering all these aspects and particularly taking into account the fact that the sentence is five years and that the Appeal is not likely to be decided during that period and also taking into account the fact that the Applicant was on bail during trial and that there are no allegations of misusing that liberty, I am inclined to grant bail to the present Applicant.

7. Hence, the following order:

### **ORDER**

- (i) During pendency and final disposal of Criminal Appeal No.437/2024, the Applicant is directed to be released on bail on his executing P.R. bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- (ii) Interim Application is disposed of accordingly.

**(SARANG V. KOTWAL, J.)**

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PRAKASHRAO  
DESHMANE  
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