IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 1490 OF 2024

Atul Anant Lanjekar ... Applicant
Versus
The State of Maharashtra ... Respondent

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Mr. Harshad Bhadbhade a/w Shagufa Patel for the Applicant.
Ms. Megha S. Bajoria, APP for Respondent-State.
Mr. Sachin Vasant Sawant, P.I., Guhagar Police Station, Ratnagiri.

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CORAM: MANISH PITALE, J.
DATE : 21st JUNE 2024

P.C. :

. Heard learned counsel for the applicant and learned APP for respondent-State.

2. In this application for grant of anticipatory bail, by an order dated 31st May 2024 passed by the Vacation Court (Coram: Kishore C. Sant, J.) interim relief was granted in favour of the applicant. While passing the interim order, this Court noted facts and the reasons why the case for granting interim order was made out.

3. The learned counsel for the applicant has reiterated the submissions made before this Court on the earlier occasion and he has further tendered an additional affidavit on behalf of the applicant along with two exhibits to further elaborate as to the manner in which the currency in question came in his possession.

4. In the present case, the allegation against the applicant is that he used counterfeit currency and deposited the same in his own account and on that basis, FIR was registered on 5th May 2024 at Guhagar Police Station, Ratnagiri, for the offences under Sections 489-B and 489-C of the Indian Penal Code, 1860 (IPC).

5. The learned counsel for the applicant submitted that he had approached the Rajapur Urban Cooperative Bank Ltd., Rajapur, for loan against gold. By relying upon the contents of the application and the aforesaid additional affidavit, which is taken on record and marked ‘X’, the learned counsel for the applicant submitted that the bank official verified as to whether the gold was genuine and upon being satisfied, gave loan of an amount of Rs.2,20,000/-. It is the case of the applicant that the loan was given in cash and upon receiving the said cash amount, he deposited part of it i.e. 80 currency notes of Rs.500 denomination in ATM machine of Indian Bank, located near the Rajapur Urban Cooperative Bank.

6. It is the case of the applicant that although, there was some error in the ATM machine and it recorded that only 9 such currency notes amounting to Rs.4,500/- were deposited, when the enquiry was initiated, the applicant himself stated that he had indeed deposited 80 such alleged counterfeit notes.

7. It is emphasized that the applicant is the *Sarpanch* of the

village and a resident of the said place for about 50 years and it cannot be imagined that he would be a part of such racket for circulating counterfeit notes. It is further urged that the applicant would not have deposited the amount in his own bank account and that the ingredients of the offence under Sections 489-B and 489-C are not made out.

8. On the other hand, the learned APP submitted that the statements of witnesses have been recorded, which include the officials of the Rajapur Urban Cooperative Bank. The said witnesses have stated that the wife of the applicant insisted on the loan amount being disbursed in cash. The currency notes given to the applicant were genuine, thereby indicating that the explanation sought to be given by the applicant at this stage cannot be accepted. It is submitted that the applicant could very well be part of a racket circulating counterfeit currency and considering the seriousness of the offences, this Court may reject the present application. It is further submitted that although initially the applicant appeared before the Investigating Officer, thereafter he is not cooperating with the investigation.

9. This Court has considered the application and the additional affidavit tendered today. The statement leading to the registration of the FIR alleges that the applicant deposited 80 counterfeit currency notes in the ATM of the Indian Bank, thereby committing the aforesaid offence. The emphasis is placed on the

seriousness of the offences, which include punishment with imprisonment for life and it is claimed that unless custodial interrogation is permitted, the investigation would be hampered.

10. This Court is of the opinion that even if the sequence of events as claimed by the informant is to be accepted, it is evident that the applicant himself deposited the alleged counterfeit currency notes in his own bank account with the Indian Bank, by depositing the same in the ATM machine. The applicant has thereby owned up the fact that he deposited the said currency notes. The applicant has also narrated the sequence of events and it is not seriously disputed by the learned APP that the applicant indeed collected cash amount towards loan given by the Rajapur Urban Cooperative Bank about half an hour before the subject currency notes were deposited in the ATM machine of the Indian Bank. The officials of the Rajapur Urban Cooperative Bank claimed that the cash amount that they had given to the applicant consisted of genuine currency notes.

11. It is undisputed that the applicant is a resident of the said village for number of years and he is the *sarpanch*. He is a well entrenched citizen in the society and it cannot be said that he is a flight risk. He has also stated that he will be cooperating with the investigation.

12. It would be relevant to peruse Sections 489-B and 489-C of the IPC. The ingredients of the offences necessarily require the

accused selling such counterfeit note or buying or receiving the same, in order to traffic them as genuine currency notes and most importantly knowledge of such notes being counterfeit notes is an intrinsic part of the ingredient of such offences. The sequence of events in the present case, do make out a *prima facie* case in favour of the applicant, as he himself deposited the currency in his own bank account, without buying or selling the same. Hence, this Court is inclined to confirm the interim order granted in favour of the applicant on 31st May 2024. As regards the alleged lack of cooperation on the part of the applicant in appearing before the Investigating Officer, specific directions can be issued.

13. In view of the above, the interim order dated 31st May 2024 is confirmed. The applicant is directed to appear before the Investigating Officer on 26th, 27th and 28th June 2024 from 10:00 a.m. to 12:00 noon and thereafter, as and when required by the Investigating Officer.

14. The conditions imposed in the interim order dated 31st May 2024, shall continue to operate and the applicant shall abide by the same.

15. The application is allowed in the above terms.

MANISH PITALE, J.

BIPIN DHARMENDER PRITHIANI

Digitally signed by BIPIN DHARMENDER PRITHIANI
Date: 2024.06.21 18:15:55 +0530