



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

BAIL APPLICATION NO. 757/2024

MALAYARSAN MADSAMAY ..APPLICANT
VS.
THE STATE OF MAHARASHTRA ..RESPONDENT

Adv. Aniket Vagal a/w Adv. Kunal N. Pednekar a/w Adv.
Divesh Mehani a/w Adv. Savvy Kolhekar for the Applicant.

Ms. Megha S. Bajoria, APP for the State.

Arun Dattu Honde, Police Shipai, Mumbai Naka Police
Station, Nashik City.

CORAM : M. S. KARNIK, J.

DATE : APRIL 25, 2024

P.C. :

1. Heard learned counsel for the applicant and learned
APP for the State.

2. This is the second application for bail in respect of the
offence punishable under Sections 489A, 489B, 489C, 489E
of the Indian Penal Code registered on 06/10/2022 vide
C.R. No.278 of 2022 with Mumbai Naka Police Station,
Nashik.

3. The earlier Bail Application No. 476 of 2023 was
withdrawn vide order dated 22/08/2023 with liberty to
apply after six months. Since then there is no progress in

the trial. The charge has not yet been framed.

4. On the information received, the applicant was apprehended on 06/10/2022 at around 16.45 hours with fake currency and counterfeit notes of the value of Rs.4,88,000/- (Rupees Four Lakh Eighty Eight Thousand). The fake currency notes comprised of denomination of Rs.2000/- and Rs.500/-.

5. Learned APP invited my attention to the statement dated 19/11/2022 of the Manager of the Lodge where the applicant was staying. It is submitted that an attempt was made by the applicant to circulate two notes of Rs.500/- denomination. The Manager realised that the notes were fake. Learned APP submitted that therefore, there is material to show that the applicant has attempted to circulate the notes and this is not a case of mere possession. Learned APP further submitted that the applicant, if enlarged on bail, is likely to evade trial as he is not a resident of the State of Maharashtra.

6. Learned counsel for the applicant has filed an affidavit of the applicant's wife- Vijaylaxmi S. Padayachi. The same is

taken on record and marked 'X' for identification. In the affidavit, it is stated that the applicant's wife along with her daughter is residing in Mumbai. The applicant's daughter is studying in 6th standard in Sri Kalgidhar Mission High School. It is further stated by her that upon release of the applicant, he will reside at the address mentioned in the affidavit in Mumbai.

7. *Prima facie*, from the materials on record it appears that the applicant was in possession of fake currency. It is submitted by the learned counsel for the applicant that there is a delay in recording the statement of the Lodge Manager where he states that an attempt was made to circulate two notes of Rs.500/-. It is also submitted that no police complaint was lodged by the Manager and the notes were returned back to the applicant. The applicant is not a flight risk. The trial is not likely to conclude any time soon. There are no criminal antecedents reported against the applicant. The applicant is in custody since 06/10/2022 for more than 1 year and 6 months. The investigation is complete and the charge-sheet is filed. In the facts and

circumstances of the present case, I am inclined to enlarge the applicant on bail by imposing certain conditions. Hence, the following order :-

ORDER

(a) The application is allowed.

(b) The applicant- Malayarsan Madsamay in connection with C.R. No.278 of 2022 registered with Mumbai Naka Police Station shall be released on bail on his furnishing P.R. Bond of Rs.25,000/- with one or more local sureties in the like amount.

(c) The applicant is permitted to furnish cash bail surety in the sum of Rs. 25,000/- for a period of 6 weeks in lieu of surety.

(d) The applicant shall attend the Investigating Officer of Mumbai Naka Police Station once in three months, on the first Monday of the concerned month, between 11.00 a.m. and 1.00 p.m. till the trial concludes.

(e) The applicant shall also attend Marol Police Station once a month, on the first Wednesday of every month, between 11.00 a.m. and 1.00 p.m.

(f) The applicant shall not leave the State of Maharashtra without prior permission of the trial Court.

(g) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer. The applicant shall not tamper with evidence.

(h) On being released on bail, the applicant shall furnish his contact number and residential address to the Investigating Officer and shall keep him updated, in case there is any change.

(i) The applicant shall attend the trial regularly. The applicant shall co-operate with the trial Court and shall not seek unnecessary adjournments.

(j) The applicant to abide by the statements made in the affidavit.

8. The application is disposed of.

(M. S. KARNIK, J.)