

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

BAIL APPLICATION NO. 2039 OF 2023

Kiran Arun Kamble	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. Arjun V. Lingalod, for Applicant.

Mr. S. R. Aagarkar, APP for State/Respondent.

Mr. Sagade, API, Dadar Police Station, Present.

CORAM:- N. J. JAMADAR, J.

DATED:- 25th JANUARY, 2024

PC:-

- 1) Heard the learned Counsel for the applicant and the learned APP for the State.
- 2) The applicant, who is arraigned in CR No. 597 of 2022 registered with Dadar police station, for the offences punishable under Sections 489-B and 489-C read with Section 34 of the Indian Penal Code, 1860 ("the Penal Code"), has preferred this application to enlarge him on bail.
- 3) Pursuant to an intimation, co-accused Anand Kumar Rachana Mamdapur was apprehended by Dadar Police and in

the personal search 12 counterfeit currency notes of Rs.100/- denominations were found in possession of the co-accused. Anand Kumar made a disclosure statement on 14th July, 2022 and asserted that his friend Shiv Kumar Shankar had delivered the counterfeit currency notes of Rs. 100/- and Rs. 200/- denomination to him.

4) On the basis of the said statement Dadar police visited Humnabad, Karnataka on 21st July, 2022. Co-accused Anand Kumar was with the police. He called the applicant and the another co-accused Shiv Kumar Shankar. They were apprehended. During the search of the applicant 42 counterfeit currency notes of Rs.200/- denominations were found. The allegations against the applicant are that the applicant was printing the counterfeit currency notes. On 27th July, 2022, the applicant allegedly made a disclosure statement to show the place where he had kept the articles and equipments for printing the counterfeit currency notes. Pursuant to the said disclosure certain articles and equipments were recovered from the said place.

5) The learned Counsel for the applicant submitted that the disclosure statement purportedly made by the applicant on 27th July, 2022 is bereft of any value as the said recovery was effected

from a place different than one disclosed by the applicant. Moreover, not a single counterfeit currency note was found at the said place. The learned Counsel for the applicant further submitted that the co-accused Anand Kumar and Shiv Kumar have been released on bail by this Court by an order dated 19th October, 2023. In the circumstances, the applicant also deserves the same dispensation.

6) The learned APP resisted the prayer for bail. It was submitted that the applicant was printing and supplying the counterfeit currency notes. There is material to show that he had procured those articles and equipment online. There were certain financial transactions between the applicant and the co-accused Shiv Kumar, who transferred money to the account of the applicant in lieu of the counterfeit currency notes.

7) I have perused the report under Section 173 of the Code of Criminal Procedure, 1973 and the documents annexed with it. There is substance in the submission on behalf of the applicant that there is a dissonance in the disclosure allegedly made by the applicant and the place wherefrom the equipments and articles were allegedly recovered. It does not appear that any counterfeit currency note was recovered from the said place. So far as the recovery of 42 counterfeit currency note of Rs.200/-

denominations, since the co-accused who were also found in possession of the counterfeit currency notes, have been granted bail, the claim for parity appears to be justifiable. Since the recovery of the articles and equipment from the place is not distinctly related to the disclosure statement made by the applicant under Section 27 of the Indian Evidence Act, a prima facie case to exercise the discretion is made out.

8) The learned APP submitted that since the applicant is a resident of Karnataka appropriate conditions be imposed. The apprehension on the part of the prosecution can be taken care of by imposing conditions.

9) Hence the following order.

: O R D E R :

(i) The application stands allowed.

(ii) The applicant Kiran Arun Kamble be released on bail in CR No. 597 of 2022 registered with Dadar police station, for the offences punishable under Sections 489-B and 489-C read with Section 34 of the Indian Penal Code, 1860, on furnishing a P.R. Bond in the sum of Rs.30,000/- with one or two sureties in the like amount, to the satisfaction of the trial Court.

(iii) The applicant shall mark his presence at Dadar Police Station on the first Monday of every alternate month, between 10.00 am to 12.00 noon for a period of three years or till conclusion of trial, whichever is earlier.

(iv) The applicant shall not tamper with the prosecution evidence and/or give threat or inducement to the first informant and any of the persons acquainted with the facts of the case.

(v) By way of abundant caution, it is clarified that the observations made hereinabove are confined for the purpose of determination of entitlement for bail and they may not be construed as an expression of opinion on the guilt or otherwise of the applicant and the trial court shall not be influenced by any of observations made hereinabove.

[N. J. JAMADAR, J.]