

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY****CRIMINAL APPELLATE JURISDICTION****CRIMINAL APPEAL NO. 1011 OF 2023**

Randheer Singh Dhan Singh Thakur .. Appellant  
vs.  
The State of Maharashtra and Anr. .. Respondents

Mr. Tapan Thatte a/w. Mr. Mohammad S. Mulla and Mr. Zahir Mulla  
for the Appellant.  
Mr. S.V. Gavand, APP for the State- Respondent No.1.  
Mr. Sandesh Patil a/w. Mr. Chintan Shah and Mr. Shrikant Sonkawade  
for Respondent No.2.

**CORAM: A. S. GADKARI AND  
SHYAM C. CHANDAK, JJ.**

**DATE : 5<sup>th</sup> FEBRUARY, 2024.**

**P. C.:-**

1) This is an Appeal under Section 21(4) of the National Investigation Agency Act, 2008 (for short 'NIA Act') by the original Accused No.3, impugning the Order passed below 'Exhibit 39' in Special Case No. 503 of 2020 by the learned Special Judge, City Civil and Sessions Court, Greater Mumbai, rejecting the Application preferred under section 439 of Cr.P.C. for regular bail.

2) Heard Mr. Thatte, learned Counsel for the Appellant and Mr. Patil, learned Special PP for NIA-Respondent No.2. Perused the record

produced before us.

3) It is the prosecution case that, on receipt of specific confidential information that, the accused persons are in possession of fake Indian Currency Notes (for short 'FICN') and are in process of circulating it in the market/economy of India, a raid was conducted near the entrance gate of Hazrat Tajuddin Baba Dargah, Nagpur. Initially, Accused No.1 Lalu Khan was apprehended and he was found in possession of total 1191 FICN of Rs.500/- denomination and 386 FICN of Rs.2000/- denomination. During the course of investigation it was revealed that, Lalu Khan has delivered FICN approximately value of Rs.6 lakhs to Accused No.2-Mahesh in Nagpur. In further investigation, Mahesh revealed that, his two friends namely Ritesh Raghuwanshi and Appellant have come with him to take delivery of FICN and were staying in Room No.39 of Raj Mahal Hotel, Sitabuldi, Nagpur. A raid was conducted at Room No.39 at Hotel Raj Mahal, Nagpur wherein Accused no.2-Mahesh was found in possession of 13 FICN of Rs.500/- denomination. The Appellant revealed that, he has kept certain FICN in a packet and he accordingly took it out from his jacket which was hanging on the wall inside the hotel room. The said packet was containing total 165 FICN all in denomination of Rs.500/-. During the course of investigation, the Investigating Agency received a report from the Currency Note Press,

Nashik that, the currency notes seized from the Appellant and other accused persons are counterfeit. After completion of investigation, Investigating Agency has submitted charge-sheet.

4) Mr. Thatte, learned Counsel for the Appellant submitted that, taking into consideration the prosecution case as it is, at the most it can be said that, Section 489(c) of I.P.C. is applicable to the Appellant and certainly not Section 489(b) of I.P.C. He submitted that, Section 489(c) of I.P.C. is a cognizable and bailable offence and therefore the Appellant may be released on bail.

4.1) Learned Special PP opposed the Appeal and submitted that, such a huge quantity was procured by Accused No.1-Lalu Khan and subsequently handed it over to Accused Nos. 2 and 3 (Appellant) for its circulation to disturb the even flow of Indian economy. He submitted that, the trial of the present case has commenced and witness summons is already issued. He therefore prayed that, the Appeal may be dismissed.

5) Undoubtedly, the allegation of receiving and possessing counterfeit currency notes of our country and even attempting to circulate it in the Indian economy is grievous and serious offence. Admittedly, the Appellant did not possess the said huge quantity of fake currency notes only for its sake of convenience or for fun. Prima facie, we find substance in the

contention of the NIA that, it was procured, possessed and received by the Appellant from Accused No.1 for its onward circulation in our economy. As noted earlier, the Appellant was found in possession of the said currency notes which he had received from Accused No.1-Lalu Khan for its onward transmission/circulation in the Indian economy. Perusal of record prima facie indicates that, there is sufficient material to indict the Appellant in present crime.

6) In view of the above, we are of the considered opinion that, the Appellant does not deserve to be released on bail during the pendency of trial. Appeal is accordingly dismissed.

(SHYAM C. CHANDAK, J.)

(A. S. GADKARI, J.)

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