



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.2553 OF 2023**

Rahul Padmasi Chhadwa @ Rahul Padmashi Chhawda ... Applicant
versus
The State of Maharashtra ... Respondent

Ms. Roshni J. Singh, for Applicant.
Mr. S.R.Aagarkar, APP for State.
Mr. Dilip M. Kamble, PSI, Kherwadi Police Station present.

CORAM: N.J.JAMADAR, J.

DATE : 23 JANUARY 2024

P.C.

1. Heard the learned Counsel for the parties.
2. The applicant is arraigned in C.R.No.107 of 2021 registered with Kherwadi Police Station for the offences punishable under Sections 489A and 489C of the Indian Penal Code.
3. The indictment against the applicant is that on 23 March 2021 pursuant to a credible secret information, Kherwadi Police conducted a surveillance near Maratha Mandir bus stop. The applicant came thereat and was accosted. In the search of the applicant, the applicant was found in possession of a cloth hand bag containing 2000 currency notes of Rs.50 denomination and 50 currency notes of Rs.100 denomination. These currency notes were seized. The applicant allegedly made a disclosure statement pursuant to which a computer and other peripherals for

preparing counterfeit currency notes were recovered.

4. Learned Counsel for the Applicant submitted that the applicant has been in custody since 21 March 2021. The trial has not yet commenced, though the charge was framed in the month of September 2023. The applicant was allegedly found in possession of counterfeit currency notes. It is not the allegation that the applicant was using the currency notes as genuine. Learned Counsel further submits that the alleged seized currency notes have been forwarded to the Currency Notes Press. However, the report is awaited. Therefore, the applicant be released on bail.

5. Learned APP countered the submissions on behalf of the applicant. Attention of the Court was invited to a report received from the Currency Notes Press which indicates that the notes found in possession of the applicant were counterfeit currency notes.

6. I have perused the allegations in the FIR and the documents annexed with the report under Section 173 of the Code. I have also perused the seizure panchanama. Prima facie, the allegation against the applicant is that of having been found in possession of the counterfeit currency notes. There is ex-facie no material to show that the applicant was apprehended while using the alleged counterfeit currency notes as genuine. The applicant has been in custody since 21 March 2021. It is unlikely that the trial can be concluded in a reasonable period.

7. Having regard to the nature of the accusation, whether the offence

punishable under Section 489C of the Code, is prima facie made out, would be a matter for adjudication at the trial. Having regard to the period of incarceration, I am impelled to exercise the discretion in favour of the applicant.

8. Hence, the following order :

ORDER

(i) The Application stands allowed.

(ii) The Applicant – Rahul Padmasi Chhadwa @ Rahul Padamshi Chhadwa be released on bail in C.R.No.107 of 2021 registered with Kherwadi Police Station on furnishing a PR bond in the sum of Rs.30,000/- and one or two sureties in the like amount to the satisfaction of the trial Court.

(iii) The applicant shall mark his presence before Kherwadi Police Station on first Monday of every month in between 11 am to 1 pm till the conclusion of the trial.

(iv) The applicant shall not tamper with the prosecution evidence. 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.

(v) 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.

(vi) The applicant shall regularly attend the proceedings before the

jurisdictional Court.

(vii) The applicant shall not indulge in identical activity for which he has been arraigned in this case.

(viii) By way of abundant caution, it is clarified that the observations made hereinabove are confined for the purpose of determination of the 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 the observations made hereinabove.

Application disposed.

(N.J.JAMADAR, J.)