

IN THE HIGH COURT OF JUDICATURE AT BOMBAYCRIMINAL APPELLATE JURISDICTIONCRIMINAL BAIL APPLICATION NO. 3122 OF 2024

Gorakh Dattatray Pawar ... Applicant.

V/s.

The State of Maharashtra ... Respondent.

Mr Amit Icham a/w Chaitanya Purankar, Advocate for Applicant

Ms Poonam P. Bhosale, APP for the State.

Mahadev Yalmar, Nigdi Police Station, Pimpri-Chinchwad

CORAM : ANIL S. KILOR, J.

DATED : OCTOBER 23, 2024.

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PC:

1. Heard.
2. By this application under Section 439 of the Code of Criminal Procedure the applicant is seeking bail in Crime No.302 of 2021, registered with Nigdi Police Station, District: Pune for the offences punishable under Sections 489-A, 489-B, 489-C, 489-D read with Section 34 of the Indian Penal Code, 1860.
3. The applicant is in jail from 24/06/2021 i.e. more than three years and there is no progress in the trial. The allegation is that he was arrested with counterfeit currency notes of Rs.5,86,000/-.

If the offence is considered in light of the F.I.R., it is doubtful whether 489-B of the Indian Penal Code, wherein maximum punishment is life, is attracted in this case. As far as Section 489C is concerned the maximum punishment is seven years.

4. In the circumstances, since the applicant has undergone a substantive period of incarceration and as there is no antecedents against the applicant, I am of the opinion that the applicant is entitled for grant of bail.
5. In the circumstances, though the learned APP is strongly opposing the application, I pass the following order:
 - i) The Criminal Application is allowed.
 - ii) It is directed that the applicant shall be released on bail in connection with Crime No.302 of 2021, registered with Nigdi Police Station, District: Pune for the offences punishable under Sections 489-A, 489-B, 489-C, 489-D read with Section 34 of the Indian Penal Code, 1860, on furnishing P.R.Bond in the sum of Rupees Twenty Five Thousand with one solvent surety in the like amount;
 - iii) The applicant shall attend the concerned Police Station on first day of every month between 10:00 am and 11:00 am, till conclusion of the trial, except on the date of the trial.

- iv) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also not tamper with the evidence;
- v) Liberty is granted to the State to apply for cancellation of bail if the applicant commits similar offence or breaches any condition for grant of bail.
- vi) The applicant shall attend the trial before the trial Court regularly on every date unless exemption is granted by the trial Court.

The Criminal Application is **disposed of** accordingly.

(ANIL S. KILOR, J)