

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

ANTICIPATORY BAIL APPLICATION NO. 2504 OF 2024

Bhanudas s/o Santu Wagh

...Applicant

Versus

The State of Maharashtra & Anr.

...Respondents

- Mr. Aashish T. Jadhavar (Through V.C.), for Applicant.
- Mr. Prasanna P. Malshe, APP for Respondent.
- Mr. Suchit Solunke, Police Constable, Ambad Police Station

CORAM : MANISH PITALE, J.

DATE : 26th SEPTEMBER, 2024.

SHRIKANT
SHRINIVAS
MALANI

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P. C. :

1. Heard, Mr. Jadhavar, learned counsel for the applicant and Mr. Malshe, learned APP for the respondent – State.

2. The applicant is apprehending arrest in connection with First Information Report No.0357 of 2024, dated 27.05.2024, registered at Police Station Ambad, District Nashik, for offences under Sections 489-A, 489-B, 489-C and 489-D of the Indian Penal Code, 1860 (IPC).

3. The FIR is registered on the basis of the statement of a Police Officer. It is stated that information was received that certain persons would be coming at a particular place, with counterfeit currency. On that basis, the informant police officer alongwith the *panchas* remained present at the spot where the named accsued person came alongwith another individual. When they were confronted, named accused person who was said to be in possession

of the bag containing counterfeit notes was apprehended, but his companion allegedly fled away. It is stated that the named accused person, upon being questioned, stated that the companion who had fled away was Bhanudas Wagh i.e. the applicant before this Court. The investigation into the matter, led to two more co-accused persons, one of whom was arrested on the date of registration of the FIR and the other was arrested on the next day.

4. The learned counsel for the applicant submits that other than the statement of the named accused person involving the applicant as his companion, there is nothing to link the applicant with the incident in question. It is submitted that the other two co-accused persons, who were arrested, led to seizure of certain equipment that was used in preparing counterfeit currency. It is submitted that all the three co-accused persons have been granted regular bail by the Sessions Court. As the applicant is ready to cooperate with the investigation, it is submitted that this Court may consider allowing the present application.

5. On the other hand, the learned APP submits that the applicant was present on the spot, as is evident from the fact that he was identified by the named accused person, as his companion, who fled away from the spot of the incident. The co-accused persons were arrested and the equipments were recovered showing that counterfeit currency was indeed being prepared by the

four accused persons and therefore, no indulgence may be shown to the applicant as serious offences concerning the economy of the Country are registered against them.

6. In the present case, this Court finds that, other than the named accused person apprehended on the spot with the counterfeit currency, stating that his companion, who fled away from the spot was the applicant, there is hardly any material to link the applicant with the incident in question. The equipments allegedly used in preparing counterfeit currency is already recovered from co-accused persons. All the co-accused persons were granted regular bail by the Sessions Court.

7. The learned APP has tendered the statement of the co-accused Nandkumar Murkute, from whose possession electronic equipment is said to have been recovered. His statement also names only the other two co-accused persons and there is no reference to the name of the applicant. This is an additional factor in favour of the applicant.

8. This Court is informed that recently charge-sheet has been filed in the present case. It would be appropriate that the charge-sheet is produced before this Court on the next date of hearing, for this Court to analysis and understand as to what role is attributed to the applicant by the Investigating Authority in the facts and circumstances of the present case. Till such time,

the applicant has made out a case for granting interim relief.

9. Hence, there shall be interim relief in the following terms :
- (A) Till the next date of listing, in the event the applicant is arrested in connection with FIR No.0357 of 2024, dated 27.05.2024, registered at Police Station Ambad, District Nashik, he shall be released on bail, on furnishing PR Bond of ₹ 50,000/- and one or two sureties in the like amount, to the satisfaction of the Trial Court.
 - (B) The applicant shall remain present before the Investigating Officer on 30th September, 2024 and 01st October, 2024 between 10:00 a.m. and 12:00 noon and thereafter as and when called by the Investigating Officer.
 - (C) The applicant shall cooperate with the investigation.
 - (D) The applicant shall not tamper with the evidence in any manner. He shall not influence the informant, witnesses or any other persons concerned with the case.
10. Needless to say, violation of any of the aforesaid conditions may result in this order being cancelled.
11. List the application for further consideration on **24th October, 2024**, to be included at the top of the Supplementary List.”

(MANISH PITALE, J.)