



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (BA) NO. 578 OF 2024

Parvez @ Pappu s/o Mohammad Sharif Patel Vs State of Maharashtra

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. P.S. Jaiswal, counsel for applicant.

Ms. T.H. Udeshi, APP for non-applicant/State.

Mr. S.P. Sonwane, counsel for Assist to Prosecution.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 30/07/2024.

1. The applicant came to be arrested on 04/05/2024, in connection with Crime No. 223/2024 registered with Police Station Jaripatka, Nagpur for the offence punishable under Section 489-A, 489-C, 489-E read with Section 34 of the Indian Penal Code, 1860.

2. The accusation against the present applicant is on the basis of the confessional statement of the co-accused, on an allegation that the investigating agency received secret information, and on receipt of the secret information, they conducted the raid at the house of the co-accused, namely Imran Ali, and the fake currency notes were found in his house. During the interrogation with him, it was revealed that he had obtained the fake currency notes from the present applicant. Thereafter, a raid was conducted, but nothing was recovered from him. It is alleged that there are criminal antecedents against the present applicant of a

similar nature and, on the basis of the same, the involvement of the present applicant in the said crime.

3. Heard learned counsel for the applicant, Mr. P.S. Jaiswal for the applicant, who submitted that as far as accepting the allegation as it is, at the most, the offence which would attract against the present applicant is in possession of the forged or counterfeit currency notes or bank notes, which is punishable upto the imprisonment of seven years or a fine. He further submitted that there is no allegation that either the present applicant is manufacturing or circulating the said currency notes; the only allegation is that the co-accused has obtained the said notes from the present applicant. Except the confessional statement of the co-accused, there is no other material to connect him with the alleged offence, and it is not sufficient to reject his bail.

4. Learned APP strongly opposed the said application on the ground that there are in all 14 offences are registered against the present applicant, which are in the nature of Section 420 and the charges against the present applicant under section 489-A also. She further submitted that investigation is still in progress. The other co-accused who is released on bail is absconding. She further submitted that considering the investigation is completed and charge-sheet is yet to filed, further incarceration of the present applicant is required. In view of that application deserves to be rejected.

5. After hearing learned counsel for the applicant and on perusal of the investigation papers, admittedly, nothing was recovered from the present applicant, though raid was conducted at the house. At this stage, except the statement of the co-accused, there is no other material to connect the present applicant with the alleged offence. Merely because there are several offences are registered against the present applicant, is not sufficient to reject the prayer of the present applicant for bail. Considering the material collected during the investigation, the applicant has made out a case for grant of bail. In view of that, I proceed to pass the following order:

- a) The criminal application is allowed.
- b) The applicant–Parvez @ Pappu s/o Mohammad Sharif Patel shall be released on bail, in connection with Crime No. 223/2024 registered with Police Station Jaripatka, Nagpur for the offence punishable under Section 489-A, 489-C, 489-E read with Section 34 of the Indian Penal Code, 1860, on executing PR. Bond of Rs. 25,000/- with one solvent surety in the like amount.
- c) The applicant shall attend the concerned Police Station once in a week on Monday between 10.00 a.m. to 01.00 p.m. till filing of the charge-sheet.

- d) The applicant shall not leave the jurisdiction of the Nagpur City without prior permission of the District Court, Nagpur.
- e) The applicant shall produce his passport if he is having before the investigating agency.
- f) The applicant shall furnish his Cell phone number and address proof before the investigating agency.
- g) If the applicant is involved in any another crime, while he is on bail would lead the cancellation of bail.

The criminal application is **disposed of**.

[URMILA JOSHI-PHALKE, J.]