



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL APPLICATION (BA) NO.647 OF 2024

(Tanmay s/o Sanjeet Kohlarkar and anr. Vs. The 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. T.S. Deshpande, Advocate for the applicant.
Ms T.H. Udeshi, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- AUGUST 21, 2024.

By this application, the applicants seeking bail as they came to be arrested on 11/06/2024 in connection with Crime No.300/2023 registered with Police Station Ranapratap Nagar, Nagpur for the offence punishable under Sections 489-B and 489-C of the Indian Penal Code.

2. The accusations against the present applicants is on the basis of report lodged by the Bank Manager of Indian Overseas Bank, Nagpur alleging that he is working in Indian Overseas Bank, Hingna Branch, Nagpur since September, 2022, adjacent to the bank there is an ATM withdrawal and deposit machine. On 12/06/2023 when one of the employee of the bank checked the cash deposit machine, she found that in URJB box 5 fake currency notes of Rs.500/-. It is observed that the Cashier and Deputy Manager inspected the said currency notes and found them to be fake. These fake currency notes were deposited by unknown persons on 10/06/2023 in the bank account No.3175010000072 of Indian Overseas Bank, Bela, Nagpur

which belongs to one Pradeep Pranjal Wanve of Bela, Bhandara. The complainant found that on verification it is clearly seen that those currency notes which she had found discrepancy like water mark on the currency notes. Those notes were counterfeited currency notes, and therefore, the report was lodged against the unknown person. During the investigation, the involvement of the total 3 accused persons revealed out of them present applicant No.2 allegedly procured the said fake currency notes from Vikas Kumar Singh and he has circulated the same with the help of present applicant No.1. On the basis of said report, police have registered the crime against the present applicants.

3. Learned Counsel for the applicants submitted that mere allegation against the present applicants is that they have circulated the fake currency notes. It is not the allegation that they have either manufactured or used it as a genuine one. He submitted that now the investigation is completed and charge-sheet is filed, further incarceration of the present applicants is not required. In view of that, they be released on bail.

4. *Per contra*, learned APP strongly opposed the application and submitted that during investigation it revealed that it was present applicant No.2 who has procured the said fake currency notes by visiting at Bihar from the absconding accused Vikas Kumar Singh. He has not only procured the said notes but he has circulated the

same with the help of applicant No.1 and used it by depositing the same as a genuine notes. Thus, considering the *prima facie* material against the present applicants and there is apprehension that if they released on bail they would involve in similar type of the offence. Hence, the application deserves to be rejected.

5. I have heard learned Counsel for both the parties. Perused the investigation papers from which it reveals that applicant No.2 has procured the said fake currency notes from the absconding accused i.e. Vikas Kumar Singh and thereafter he has circulated the same with the help of applicant No.1. Not only they have circulated the said fake currency notes but they were also used as a genuine notes. The statements of the various witnesses and Bank Manager reveals the involvement of the present applicants in the alleged offence but now investigation is already completed and charge-sheet is filed, further incarceration of the present applicants is not required. In view of that, the application deserves to be allowed by imposing certain conditions. Accordingly, I proceed to pass the following order:

(i) The application is allowed.

(ii) The applicants – 1) Tanmay s/o Sanjeet Kohlarkar and 2) Akash s/o Goutam Bhowate be released on bail in connection with Crime No.300/2023 registered with Police Station Ranaprata Nagar, Nagpur for the offence

punishable under Sections 489-B and 489-C of the Indian Penal Code, on executing P.R. bond in the sum of Rs.25,000/- each with one surety each in the like amount.

(iii) The applicants shall not induce, threat or promise any witnesses in any manner who are acquainted with the facts of the case.

(iv) The applicants shall not indulge themselves in the similar type of the activities and if they found indulged in the similar type of the activities, the bail granted to them deserves to be cancelled.

(v) The applicants shall attend the proceedings before the trial Court without seeking any exemption unless there are exceptional circumstances.

6. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)

**Divya*