



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

CRIMINAL APPLICATION (BA) NO.1065 OF 2024

(Kishor s/o Raghunath Shinde 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. A.C. Jaltare, Advocate a/w Mr. R.S. Bhalerao, Advocate for the
applicant.
Mr. S.V. Narale, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- NOVEMBER 22, 2024.

By this application, the applicant is seeking bail as he came to be arrested on 23/04/2024 in connection with Crime No.383/2024 registered with Police Station Nagpur, District Nagpur for the offence punishable under Sections 489-B and 489-C read with Section 34 of the Indian Penal Code.

2. The crime is registered on an allegation that co-accused Lakhpor was found involved using the counterfeit currency notes with the vendor at railway station as a genuine one, therefore, he was arrested. During interrogation with him, the name of the present applicant revealed, and therefore, search was taken and from the possession of the present applicant six fake currency of Rs.500/- were seized. On the basis of this allegation the applicant was arrested.

3. Learned Counsel for the applicant submitted that the applicant is a bank employee. As far as the

allegations are concerned, the similar allegation is levelled against the other co-accused who are already released on bail by the Sessions Court. Now, the investigation is already completed and charge-sheet is filed, further incarceration of the applicant is not required. He further submitted that there is no allegation that he has either circulated the same or use it as a genuine one. Considering now his further incarceration is not required, he be released on bail.

4. Learned APP strongly opposed the application on the ground that the applicant is a bank employee. The fact of finding the fake currency notes in his possession itself is a grievous offence. There is likelihood of repeating similar type of the offence in other State also cannot be ruled out. In view of that, the application deserves to be rejected.

5. I have heard learned Counsel for both the sides. On perusal of the investigation papers it reveals on the basis of the statement made by the co-accused, the involvement of the present applicant revealed. During the personal search of the present applicant, six fake currency notes of Rs.500/- were seized, therefore, he is charged with the offence punishable under Sections 489-B and 489-C.

6. Section 489-B of IPC deals with using as genuine, forged or counterfeit currency-notes or bank-

notes and Section 489-C deals with possession of forged or counterfeit currency-notes or bank-notes.

7. No dispute as to the fact that the applicant is a bank employee. It is also well settled that *mens rea* is required to establish the offence punishable under Section 489-B and 489-C as the wording used in Section 489-B and 489-C itself shows "knowing or having reason to believe the currency notes or bank-notes are forged or counterfeit". Without the aforementioned *mens rea* selling, buying or receiving from another person or otherwise trafficking in or using as genuine forged or counterfeit currency-notes or bank notes is not enough to constitute offence under Section 489-B of I.P.C. So also possessing or even intending to use any forged or counterfeit currency-notes or bank-notes is not sufficient to make out a case under Section 489-C. Admittedly, whether the applicant was possession the said notes and whether he has used the same as a genuine one is a matter of evidence. At this stage, considering that the other co-accused against whom the similar allegations are levelled are already released on bail. The investigation is completed and charge-sheet is filed. The ground of parity is available to the present applicant. Hence, the application deserves to be allowed. Accordingly, I proceed to pass the following order:

- (i) The application is allowed.

(ii) The applicant – Kishor s/o Raghunath Shinde in connection with Crime No.383/2024 registered with Police Station Nagpur, District Nagpur for the offence punishable under Sections 489-B and 489-C read with Section 34 of the Indian Penal Code, be released on bail on executing P.R. bond in the sum of Rs.25,000/- with one surety in the like amount.

(iii) The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case either personally or by way of electronic media.

(iv) The applicant shall not indulge himself in similar type of the activities.

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

(vi) The contravention of any of the condition would lead to the cancellation of bail.

8. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)