



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

935 ANTICIPATORY BAIL APPLICATION NO. 1806 OF 2024

Rahul Rajendra KabraApplicant

VERSUS

The State of Maharashtra & anotherRespondents

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Mr. S. J. Salunke, Advocate for Applicant.

Mrs. M. N. Ghanekar, APP for the State.

CORAM : R. M. JOSHI, J.

DATE : 14th JANUARY, 2025.

PER COURT :

1. Applicant apprehends arrest in connection with Crime No. 0356/2024 registered with Bhuswal Bazarpeth Police Sttion, District Jalgaon, for the offences punishable under Sections 179, 180 and 3(5) of the Bharatiya Nyaya Sanhita.

2. The sum and substance of the First Information Report is that police received secret information about counterfeit notes being exchanged. A trap was led. Co-accused was accosted on the spot. Counterfeit notes were seized from his custody. In this regard offence came to be registered against present applicant and four other accused.

3. Applicant claims himself to be stock broker and also engaged in investment business. Learned counsel for the applicant submits that except for the alleged statement of the co-accused there is absolutely no evidence to connected the applicant with the crime in question. He also states that interim relief was granted in favour of the applicant on 23.10.2024 and thereafter he has cooperated in the investigation. It is also claimed that applicant has no criminal history in respect of similar crime. He is not likely to flee from justice.

4. Learned APP opposed the application by citing seriousness of the crime. She submits that this is not a case where there is only statement of co-accused uncorroborated by any other material on record. She drew attention of the Court to the statement of the co-accused recorded under Section 23(2) Bharatiya Sakshya Adhiniyam, 2023, which, according to her, gets further support from the CDR indicating conversation/contact between applicant and accused No. 1.

5. Needless to say that the offence of counterfeiting currency is a serious crime drastically affecting economy of the country and ultimately affects all subjects of the State. Moreover, in such type of crime, investigating agency must get a chance to enquire into all angles such as anti-national activities, terrorism etc. In such circumstances, where there is prima facie evidence or strong suspicion indicating involvement of the applicant in the crime, it would not be justified for this Court to grant pre-arrest bail to the applicant.

6. Here in this case, investigation is in progress and there is statement recorded of the accused under Section 23(2) of Bharatiya Sakhsya Adhiniyam and pursuant to the said statement, recovery of counterfeit notes is also done. There could have been some substance in the contention of learned counsel of the applicant that involvement of the application cannot be considered solely on the basis of such statement of co-accused, in absence of any supporting material. However, in this case, there is evidence to indicate that the applicant was in contact with the co-accused and number of conversations can be seen between them. Though it is sought to be contended on behalf of the applicant that in connection with

business of stock transaction he is in contact with the co-accused, this Court finds same not acceptable atleast at this stage for want of any material to support the same. Suffice it to say that there is evidence to indicate strong suspicion about involvement of applicant in this crime.

7. Having regard to the nature of offence and also in view of the fact that it is absolutely necessary for the investigating agency to carry out custodial interrogation of the applicant to ascertain source of counterfeit notes, application stands rejected.

(R. M. JOSHI)
Judge

dyb