

KANCHAN
VINOD
MAYEKAR
Digitally signed
by KANCHAN
VINOD
MAYEKAR
Date:
2025.03.20
12:52:41 +0530

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 739 OF 2025

Ramesh Hanamant Savalatot

..... Applicant

VERSUS

State of Maharashtra

..... Respondent

Mr. Priyal G. Sarda a/w. Ms.Seema Dighe, Mr.Shubham Sane,
Mr.Rajesh Ranglani for the Applicant.

Ms.Rutuja A. Ambekar, A.P.P for the State.

Mr. S. D. Giramkar, P.H.C. present.

CORAM : RAJESH S. PATIL, J.

DATE : 18th MARCH, 2025

Order :-

This application is filed for pre-arrest bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Crime No. 500/2024 dated 18th August, 2024 registered with Tembhurni Police Station, Solapur for the offences punishable under Sections 178, 180, 181, 3(5) of the Bharatiya Nyaya Sanhita, 2023.

2. The present applicant is accused no.5. There are total seven accused. Five accused have been arrested and are behind bars. One more accused is absconding. The pre-arrest bail application filed by the present applicant before the Sessions Judge at Barshi has been

rejected by an order dated 14th February, 2025. Hence, the present pre-arrest bail application has been filed.

3. In the complaint attached to the FIR, there are specific allegations made against the present applicant that he has participated in the act of counterfeiting the currency. An amount of Rs.65 lacs has already been seized by the police. It has been alleged that the machine used for printing the counterfeit currency is owned by the present applicant. On the basis of which, an FIR has been alleged.

4. On behalf of the applicant, it is submitted that the applicant has no role to play in the present crime and has been implicated only on the basis of suspicious. The investigation is completed. Therefore, the custodial interrogation of the present applicant is not necessary.

5. The learned A.P.P. submits that the co-accused has revealed the name of the present applicant as the person who has procured the machine of printing counterfeit currency. Even by the CDR, it has been found that the present applicant has constantly been in touch with the accused – Hiramani. The offence committed by the present applicant is an offence against the country. It is a serious offence and the custody of the present applicant will be necessary.

6. I have heard learned counsel for both the sides and I have gone

through the documents produced before me.

7. In the F.I.R. offences registered under section 178 (imprisonment for life), Section 180 (imprisonment for term which may extend to 7 years), Section 181 (imprisonment for life) of Bharatiya Nyaya Sanhita, 2023. Counterfeit currency leads to substantial economic losses to the country. Such monies are used to finance criminal networks and terrorist activities.

8. There are seven accused arraigned in the present crime. Five accused are already behind bars. One of the accused is absconding and the present applicant has filed the pre-arrest bail application.

9. On a secret information received by the police, the police has made a track of a Nexon car. When the car was intercepted by the police, they found that the driver was holding un-explained cash with him. Thereafter, the police raided the house of the co-accused wherein 'ultra violet machine' was found. The counterfeit cash was found. In the house arrested co-accused has named the present applicant as a person who owned the 'ultra violet machine'.

10. The investigation is still going on and there is likelihood that the police after investigation will find amount involved in the present crime is much more than what has been mentioned.

11. Considering the gravity of the crime, the physical presence of the applicant for interrogation is necessary for completion of investigation. Moreover, possibility of pressurizing and threatening witnesses and tampering with evidence is much higher in case the Applicant is granted pre-arrest bail.

12. The Supreme Court in case of *Sumitha Pradeep vs. Arun Kumar C.K. and another*¹ in paragraph 12 has held as under :-

“..... In many anticipatory bail matters, we have noticed one common argument being canvassed that no custodial interrogation is required and, therefore, anticipatory bail may be granted. There appears to be a serious misconception of law that if no case for custodial interrogation is made out by the prosecution, then that alone would be a good ground to grant anticipatory bail. Custodial interrogation can be one of the relevant aspects to be considered along with other grounds while deciding an application seeking anticipatory bail. There may be many cases in which the custodial interrogation of the accused may not be required, but that does not mean that the prima facie case against the accused should be ignored or overlooked and he should be granted anticipatory bail. The first and foremost thing that the court hearing an anticipatory bail application should consider is the prima facie case put up against the accused. Thereafter, the nature of the offence should be looked into along with the severity of the punishment. Custodial interrogation can be one of the grounds to decline anticipatory bail. However, even if custodial interrogation is not required or necessitated, by itself, cannot be a ground to grant anticipatory bail.”

(Emphasis supplied)

1 (2022) 17 SCC 391

13. A similar view has been taken by the Supreme Court in the case of *the C.B.I. vs. Anil Sharma*², in paragraph 4 which reads as under:-

“4. We find force in the submission of the CBI that custodial interrogation is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favorable order under Section 438 of the Code. In a case like this effective interrogation of suspected person is of tremendous advantage in disinterring many useful informations and also materials which would have been concealed. Success in such interrogation would elude if the suspected person knows that he is well protected and insulated by a pre-arrest bail during the time he is interrogated. Very often interrogation in such a condition would reduce to a mere ritual. The argument that the custodial interrogation is fraught with the danger of the person being subjected to third degree methods need not be countenanced, for, such an argument can be advanced by all accused in all criminal cases. The Court has to presume that responsible Police Officers would conduct themselves in a responsible manner and that those entrusted with the task of disinterring would not conduct themselves as offenders.”

(Emphasis supplied)

14. In the light of allegations in the FIR, the documents on record and considering the law laid down by the Supreme Court in above judgments, according to me, no case is made out to grant protection to the present applicant. **The anticipatory bail application stands rejected.**

[RAJESH S. PATIL, J.]