

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 4589 OF 2024**

Akshay Hulavale	...Applicant
<u>VERSUS</u>	
The State of Maharashtra	...Respondent

....

Mr. Kuldeep Nikam a/w Ms. Nishi Singhavi, Advocate for the Applicant.

Ms. G. P. Mulekar, A.P.P. for the Respondent – State.

....

CORAM	:	N. R. BORKAR, J.
DATE	:	28.01.2025.

P.C.:

1. This is an application for bail.

2. The applicant came to be arrested in Crime No. 175 of 2024 registered at Hinjewadi Police Station, Dist-Pimpri-Chinchwad for the offences punishable under Sections 489(A)(B)(C)(D) r/w 34 of the Indian Penal Code.

3. On 16.2.2024, the other two co-accused in the present crime were apprehended and they were found to be in possession of counterfeit currency. During the course of interrogation of the said co-accused, they had revealed the involvement of the present applicant. The applicant was therefore arrested and during the course of investigation 56 counterfeit currency of Rs.500 denomination came to be recovered at the instance of present applicant.

4. I have heard the learned counsel for the applicant and the learned APP for the respondent/State.

5. The learned counsel for the applicant submits that except the alleged recovery there is no other incriminating evidence against the applicant. It is submitted that even if the case of the prosecution is accepted as it is, at the most it would constitute section 489C of the IPC which is a bailable offence. It is submitted that the applicant is in a jail for about seven months and the trial is still at the stage of framing of charge. It is therefore, submitted that the applicant be released on bail. It is submitted that, according to the prosecution there are criminal antecedents against the applicant. It is submitted that in absence of *prima-facie* case, the bail cannot be refused only on the basis of the criminal antecedents. In support of submission, the learned counsel for the applicant has relied upon the order passed by this Court dated 08.02.2023 in Bail Application No. 144 of 2023 (Shivaji Bhutekar Vs. State of Maharashtra) and the order dated 15.04.2024 in Bail Application No. 158 of 2024 (Mohd. Arif Bashir Ahmed Vs. State of Maharashtra) and the order passed by this Court dated 01.03.2022 in Criminal Bail Application No. 3595 of 2024.

6. On the other hand, the learned APP for the respondent-State submits that the applicant is involved in serious crime of counterfeit currency. It is submitted that applicant has committed the present crime by breaching the externment order. It is submitted that in addition to the present crime, the applicant is involved in 22 more

crimes. It is submitted that the applicant therefore may not be released on bail.

7. I have perused the charge-sheet. There is recovery of counterfeit currency at the instance of the applicant. Apart from it, the applicant has committed the crime in question in breach of externment order. Considering the overall facts and circumstances and as the applicant is involved in 22 more crimes, I am not inclined to release the applicant on bail. Hence, the Application is rejected.

(N. R. BORKAR, J.)