

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 1205 OF 2025

Vitthal Gajanan Shewale

...Applicant

Versus

The State of Maharashtra

...Respondent

Ms. Shraddha Vavhal, learned Advocate for the Applicant.

Mr. Vinod Chate, learned A.P.P. for the State/Respondent.

PSI Mr. Mahesh Satpute attached to Nigdi Police Station, Pune is present in the Court.

CORAM : ASHWIN D. BHOBE, J.

DATE : 16th JUNE 2025.

P.C. :

1. Heard Ms. Shraddha Vavhal, learned Advocate for the Applicant and Mr. Vinod Chate, learned A.P.P. for the State/Respondent.

2. By the present Application under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 ("**BNSS**" for short), the Applicant before this Court is seeking bail in respect of Crime No. 302 of 2021 registered with Nigdi Police Station, Pune for the offence punishable under Sections 489(B), 489(C), 489(A) and 489(D) read with 34 of the Indian Penal Code, 1860.

3. Case of the prosecution is that the Applicant (Accused No. 2) alongwith five other accused are involved in printing and

circulating counterfeit currency notes. Accused Nos. 1, 3, 5 and 6 are said to be involved in printing counterfeit currency notes. Accused No. 4 is involved in printing and circulating counterfeit currency notes.

4. Criminal Bail Application (Exhibit-109) filed by the Applicant in Sessions Case No. 704 of 2021 was rejected on 16th January 2025 by the learned Additional Sessions Judge, Pune.

5. Ms. Shraddha Vavhal, learned Advocate for the Applicant submits that the allegations made against the Applicant in the aforesaid crime are similar to the allegations made against Accused Nos. 1 and 3 to 6. She clarifies that the allegations against the Applicant herein pertains to possession of the counterfeit currency notes. She submits that Vitthal Gajanan Shewale @ Raj (Accused No. 1) has been released on bail by this Court in Criminal Bail Application No. 3122 of 2024 vide order dated 23rd October 2024 (Page 316 of the paper-book of Application). She submits that Jitendrakumar Patel (Accused No. 5) has been released on bail by this Court in Criminal Bail Application No. 4864 of 2024 vide order dated 19th March 2025. She submits that Accused Nos. 3 and 6 have been released on bail by the learned Sessions Court in Sessions Case No. 737 of 2021. She therefore submits that the principle of parity would be applicable to the case of present Applicant. She submits that she has specific instructions from the Applicant to press/argue the ground of long incarceration and not on merits of the matter. She submits that the Applicant is physically handicapped and has got medical conditions. She relies on Page 308 of the paper-book of Application in support of the

deteriorating health condition of the Applicant. She therefore prays that the Applicant be released on bail.

6. Mr. Vinod Chate, learned A.P.P. submits that the crime against the Applicant is more serious as the Applicant was found in possession of the counterfeit currency notes amounting to Rs. 3,70,000/-. He submits that the Applicant has a criminal antecedent, which is a similar offence of counterfeiting currency notes. He submits that the Applicant is medically fit. He therefore opposes the bail.

7. I have perused the records with the able assistance of learned Advocates of respective parties.

8. The Applicant was arrested on 26th June 2021 and is in jail for the period of 3 years, 11 months and 21 days. Ms. Shraddha Vavhal, learned Advocate states that the Charge is not framed and there is remote possibility of the trial commencing in the near future. She therefore presses into services the right to have speedy trial.

9. Mr. Vinod Chate, learned A.P.P. on instructions from the Investigating Officer states that the Charge has not been framed. He states that there are 15 witnesses listed by the prosecution.

10. Considering that the Applicant is incarcerated since June 2021 and by taking note of the fact that the Charge has not been framed till date, the Applicant is justified in pressing into services he is right to be enlarged on bail, as he cannot be incarcerated as an under-trial prisoner indefinitely. As submitted by the learned

Advocate for the Applicant and by learned A.P.P. for the State/Respondent, there appears to be remote chances of the trial being completed in the near future. It is on the ground of long incarceration that the present Application is being considered.

11. The Applicant is entitled to bail for the abovesaid reasons. The Application is allowed on the following conditions :-

- a. Applicant is directed to be released on bail in connection with Crime No. 302 of 2021 registered with Nigdi Police Station, Pune for the offence punishable under Sections 489(B), 489(C), 489(A) and 489(D) read with 34 of the Indian Penal Code, 1860 on executing P.R. Bond in the sum of Rs. 25,000/- (Rupees Twenty-five Thousand Only) with one or two sureties in the like amount to the satisfaction of the learned Additional Sessions Judge, Pune.
- b. Applicant shall attend the concerned Police Station once in a month, i.e., on 1st Monday from 11.00 a.m. to 2.00 p.m., till conclusion of the trial.
- c. Applicant shall not influence or threaten any witnesses or tamper with the evidence.
- d. Applicant shall co-operate with the trial and shall regularly appear before the learned Trial Court as and when summoned and the date is fixed, unless specifically exempted by the learned Trial Court.

12. Criminal Bail Application No. 1205 of 2025 stands disposed of in the above terms.

[ASHWIN D. BHOBE, J.]

GITALAXMI
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