



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (ABA) NO. 950/2025

Akash s/o. Ravishankar Yadav and Ors. Vs. The State of Maharashtra

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. S. P. Bodalkar, Advocate for the Applicant.

Mr. A. M. Kadukar, A.P.P. for the Non-applicant/State.

CORAM : MRS.VRUSHALI V. JOSHI,J.

DATED : 17/12/2025.

. Heard.

2. Issue notice to the non-applicant, returnable after vacation

3. The learned A.P.P. waives service of notice for non-applicant/State.

4. The applicant has apprehension of arrest in Crime No.433/2025 registered with Police Station Kamptee, District Nagpur for the offences punishable under Sections 179 of the Bharatiya Nyaya Sanhita, 2023.

5. It is alleged that applicant Nos. 2 and 3 deposited the amount in the account of applicant No.1 through A.T.M. and 38 counterfeit notes were found from the amount deposited by these two persons. The counterfeit notes are rejected by the Automatic Deposit cum Withdrawal Machine. It is found that the applicant No.2 has deposited 3 notes and, thereafter, 35 notes of Rs.500/- were deposited by applicant No.3, are found counterfeit notes.

6. The learned Counsel for the applicants has stated that all the applicants are doing Dairy business and they used to sell milk and received the amount and after such receipt, they used to deposit it. The applicants were

not knowing whether there are any counterfeit notes. The notes are already seized. The applicants have relied on the judgment of the Hon'ble Apex Court in the case of *Umashanker Vs. State of Chhattisgarh* [(2001) 9 SCC 642], wherein the observations are made that the essential ingredients of the offence under Sections 489-B and 489-C, the *mens rea* is the essential ingredients. Similar observations are made in the case of *Dipakbhai Jagdishchandra Patel Vs. State of Gujarat and Anr.* [(2019) 16 SCC 547]. As the applicants themselves were not knowing whether they were having counterfeit notes and if they knew about it, they would not deposit it in their own account. *Mens rea* is not there. Hence, prayed to protect them by granting ad interim protection.

7. Learned A.P.P. opposed the application stating that first they deposited three counterfeit currency notes to see whether the machine accept it and, thereafter, 35 notes were deposited. The applicants were aware about it. There custodial interrogation is necessary. Hence, prayed to reject the application.

8. Heard the learned Counsel for the applicants and the learned A.P.P. for the State.

9. Considering the nature of the offence and as the applicants were receiving the cash from the customers and it was deposited in their own account, nothing is required to be seized from these applicants. Hence, the case is made out to grant ad interim protection. Accordingly, I pass the following order:

i] It is directed that in the event of arrest of the applicants namely (1) Akash s/o.

Ravishankar Yadav, (2) Anshu s/o. Ravishankar Yadav and (3) Aarul s/o. Ravishankar Yadav in connection with Crime No.433/2025 registered with Police Station Kamptee, District Nagpur for the offences punishable under Sections 179 of the Bharatiya Nyaya Sanhita, 2023, they shall be released on bail on furnishing P.R. Bond in the sum of Rs.25,000/- each with one solvent surety each in the like amount.

ii] The applicants shall not in any way tamper with the prosecution evidence.

iii] The applicants shall not pressurize or threaten the prosecution witnesses.

iv] The applicants shall attend the concerned police station on every Monday and Saturday between 1:00 p.m. to 2:00 p.m.

v] The applicants shall co-operate the investigation officer.

The protection shall remain in force till next date.

(MRS. VRUSHALI V. JOSHI, J.)