



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL APPLICATION (ABA) NO. 950 OF 2025

Akash S/o. Ravishankar Yadav and others

Vs.

The State of Maharashtra

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri S. P. Bodalkar, Advocate for applicants.
Ms. D. V. Sapkal, APP for non-applicant/State.

CORAM :- M. W. CHANDWANI, J.

DATED :- 05.02.2026

Heard.

2. The applicants seek anticipatory bail in connection with Crime No. 433/2025 registered with Police Station, Kamptee, Dist. Nagpur for the offence punishable under Sections 179 of the Bhartiya Nyaya Sanhita, 2023.

3. It is contended on behalf of the learned counsel for the applicants that the applicants are engaged in the business of selling milk. The applicants receive cash amount from their customers and perhaps, they might have received counterfeit notes of Rs.500/- in denomination, which was deposited in the Automatic Deposit and Withdrawal Machine (ADWM) of the State Bank of India (SBI).

4. According to him, they were unaware of the fact that the said notes are counterfeit. He stressed on the

point that *mens rea* is a *sine qua non* for committing the offence under Sections 489A to 489E of the Indian Penal Code (IPC). He further submitted that just because the counterfeit notes were deposited by the applicants without having knowledge about it, an offence will not be made out against them.

5. To buttress his submission, he seeks to rely upon the decision of the Supreme Court in the case of ***Umashanker Vs. State of Chhattisgarh [(2001) 9 SCC 642]***. He further submitted that the nothing is required to be seized from the applicants and the applicants are ready to co-operate in the investigation, if granted anticipatory bail.

6. The learned APP on the other hand submitted that applicant nos. 2 and 3 have deposited the amount in counterfeit notes twice on the very same day in the account of applicant no. 1. According to her, applicant nos. 2 and 3 first deposited 3 counterfeit notes of Rs.500/- in denomination in the ADWM machine which was accepted by the machine. Hence, by depositing the cash amount in the ADWM, they checked whether the machine is accepting the counterfeit notes or not and thereafter, 35 counterfeit notes of Rs.500/- in denomination were deposited by applicant nos. 2 and 3 in the ADWM machine. The learned APP submits that detailed investigation is required to be conducted and therefore, custodial interrogation of the applicants is necessary. Hence, she seeks rejection of the application.

7. Perusal of the case-diary reveals that on 31.07.2025 at about 12:44 pm applicant nos. 2 and 3 deposited 3 counterfeit notes of Rs.500/- in denomination in the ADWM machine of SBI at Kamptee in the account of applicant no. 1 and thereafter, applicant nos. 2 and 3 at 03:02 pm on the same day, deposited 35 counterfeit notes of Rs.500/- in denomination in the account of applicant no. 1. When the cash was collected by the officials of the SBI from the said ADWM, they got to know about the counterfeit notes. Accordingly, the matter was informed to the Police and the aforesaid offence came to be registered.

8. Applicant nos. 2 and 3 have deposited 3 counterfeit notes of Rs.500/- in denomination in the ADWM in the account of applicant no. 1 and on the same day, again applicant nos. 2 and 3 deposited 35 counterfeit notes of Rs.500/- in denomination in the account of applicant no. 1. Had there been one instance of deposit of 2/3 counterfeit notes, the argument of the learned counsel for the applicants could be appreciated that the applicants might have received counterfeit notes from their customers. However, having found that at the first instance, 3 counterfeit notes were deposited and again on the same day, 35 counterfeit notes were deposited, gives every reason to the Investigating Officer to believe that these notes are being circulated with *mens rea*.

9. Needless to mention that Sections 489-A to 489-E of the IPC deal with various economic offences in

respect of forged or counterfeit currency notes or banknotes. The sole object of the Sections is not only to protect the economy of the country but also to provide adequate protection to currency notes and banknotes. Having found the fact that the applicants have deposited 3 counterfeit notes of Rs.500/- in denomination and 35 counterfeit notes of Rs.500/- in denomination later, on the very same day in the account of their own brother, I find substance in the argument of the learned APP that custodial interrogation of the applicants is required.

10. I also agree with the submission of the learned APP that effective interrogation can only be done when the applicants are taken into custody. The Investigating Agency may want to know details like the source from which all these counterfeit notes came and if there are any other persons involved in the crime. Therefore, custodial interrogation of the applicants is essential to crack the offence.

11. Considering the nature of offence which destabilizes the economy as well as the punishment prescribed for the offence, no case is made out for grant of anticipatory bail. Hence, the application is rejected.

(M. W. CHANDWANI, J.)