

ORDER BELOW EX. 3 IN SESSIONS CASE NO. 139 OF 2023

[The State of Maharashtra through Mumbai Naka Police Station
vs. Malayarsan Madsamay]

This is the bail application under section 439 of the Criminal Procedure Code, 1973 filed by the applicant-accused in crime No. 278 of 2022 registered with Mumbai Naka Police Station, Nashik for the offences punishable under sections 489A, 489B, 489C and 489E of the I. P. C.

02] The applicant contended that he has not committed any offence and not concerned with the offence. He has never prepared the counterfeit notes nor used it for circulation. The said notes are seized. The accused is in jail from one year. The investigation is completed. Yet, the report of the Govt. agency on the counterfeit notes is yet to come. Nothing has to be seized from the accused. He is ready to abide by any conditions imposed by the court. Hence, he has prayed for bail.

03] APP and I. O. has filed say at Ex. 5 and they stated that the offence is of serious nature. The accused was caught raid handed in the trap with counterfeit notes of Rs. 2,000/- and Rs. 5,00/- denomination. Total notes of Rs. 4,88,000/- are seized from the accused. The accused wanted to circulate the notes in the economy and wanted to cause loss to the Govt. Further investigation that how he has prepared the notes, printed it, who others are the co-accused etc. is going on. If he is released on bail, he will abscond and will threat the prosecution witnesses and will commit similar offence. Hence, prayed for rejection of the bail.

04] Heard the learned counsel for the accused and learned APP. They have argued as per their stand taken. The counsel for

the accused filed written notes of argument at Ex. 6, after the court query about the earlier bail application. He has relied on the ratio of **Laxman Irappa Hatti and Suresh... vs. The State of Maharashtra reported in 2004 CriLJ 3802** and the case of **Shri. Amit Anand Pal Raikar @ Amit Pal vs. State of Goa reported in 2016 All MR (Cri.) 268**.

05] I have gone through the application, say, arguments, record and the cited case laws. There is strong prima-facie case against the accused. The accused was found in possession of counterfeit notes of Rs. 2,000/- denomination and Rs. 5,00/- denomination total Rs. 4,88,000/-. He was caught raid handed. This is the fourth bail application of the accused. After charge sheet, his second bail application bearing no. 44 of 2023 was rejected on merits. His third bail application no. 476 of 2023 was withdrawn before the Hon'ble High Court with the permission and with the liberty to apply after six months. No whisper has been made by the accused in his bail application. After the query was made in that regard then, the accused filed these documents on record. After filing of charge sheet, his second bail application was rejected and third bail application was recently withdrawn to apply after six months. The accused has not mentioned any change in circumstances to file the bail application before this court except the fact that the accused is in Jail and the trial has not commenced. The court is always ready to conduct the matter. The court is ready to expedite the matter. The offence is of very serious nature and there is strong evidence against the accused. The offence is against the Indian Economy. The punishment of the offence is also severe. There are no substantial change in circumstances to consider the bail application as stated in **Laxman**

Irappa Hatti (supra). Also, the cited case of **Shri. Amit Anand Pal Raikar (supra)** is not applicable to the facts and circumstances of the case. Recently, the accused withdrawn the bail before Hon'ble High Court in bail application no. 476 of 2023 with permission and with liberty to apply after six months. When such is the situation, then, the accused is not entitled for bail. His conduct appears to any how obtain bail from this court. He is not entitled for bail. Hence, the following order:

ORDER

Application is rejected.

Date : 17.10.2023

(R. R. Rathi)
Additional Sessions Judge-6,
Nashik.