

State Vs. Suresh Nanasaheb Patil
ORDER BELOW EXH. 4

Present application is filed accused no. 3 Suresh Nanasaheb Patil under Section 439 of Cr.P.C. for bail. This is a third application filed by the accused.

2. It is the case of the prosecution that, on 19/05/2022 informant Ravindra Mane Deputy Manager of ICICI Bank lodged complaint to the police station. He alleged that, Rohit Pawar and he himself was authorized to withdraw the amount from ATM machine which was deposited by the customers. On 17/05/2022, when they were collecting the cash they found that 6 counterfeit currency note of denomination of 500/- rupees were deposited in bank account. It was revealed that on 13/05/2022 at about 9.02 pm the said counterfeit currency was deposited in the account of Vishal More. In CC TV footage, it appears that while depositing the amount the said person was wearing the mask. On inquiry with Vishal More, he told that the person wearing the mask and depositing the amount in his account is Sangram Suryavanshi. On the basis of his statement police has registered the crime. During investigation accused came to be arrested.

3. Applicant/accused has filed his first bail petition No. 82/2022 which was came to be rejected. After filing the chargesheet, applicant/accused has filed second bail petition bearing No. 157/2022. The same was also rejected. Hence,

applicant/accused has filed the present bail petition after committal of the case.

4. Learned APP appeared and resisted the bail petition by filing his say at Exh. 6 inter alia contending that, applicant/accused has destroyed the currency note by setting a fire. The said act was recorded in mobile phone. The mobile phone is seized from applicant/accused. He is the main connection in between accused no. 2 and accused No. 4. There is prima facie involvement of applicant/accused in crime. If he is released on bail, he will pressurize the witnesses and will not available for trial. He will commit such type of offence again. Ultimately, he sought rejection.

5. Heard learned advocate Shri. S.T. Jadhav for accused and learned APP Shri. Madake for the State.

6. Learned advocate for accused submitted that no counterfeit currency was seized at the hands of accused. There is no connection with applicant/accused with co-accused. The so called alleged offence levelled against applicant/accused is punishable with imprisonment for 7 years. Hence, he sought bail. In support of his contention he relied on following case law;

1. Juber S/o. H.M. Shafi Vs. The State (Criminal Petition No. 8729/2021)
2. Umashanker Vs. State of Chattisgarh reported in 2001 ALL MR (Cri) 2398.

7. Perused the documents on record. From the FIR, it appears that, the crime is registered in respect of deposit of fake currency by co-accused Sangram Suryavanshi in the account of Vishal More. Vishal More was not made an accused in present case. Moreover, role is assigned against applicant/accused in FIR.

8. Perused the first remand dated 19/05/2022. It appears that police has arrested Sangram Suryavanshi and sought the PCR for investigation. The ground for PCR was to ascertain the name of person from whom Sangram has obtained the currency note. In the first remand the name of applicant/accused was not mentioned.

9. Perused the second remand dated 22/05/2022, wherein, it has been mentioned that during investigation police came to know that accused no. 1 Sangram has obtained the fake currency note from accused no. 2 and 3 i.e. Pintu Patil and Suresh Patil. As per the said report, it is the contention of police that accused no. 2 to 4 has printed the said fake currency notes.

10. Perused the third remand report dated 23/05/2022 wherein police has contended that all the accused no. 1 to 4 has printed the fake currency. No specific role was assigned against the applicant/accused. Thereafter, on 26/05/2022 police filed remand report and sought MCR of applicant/accused.

11. Perused the search panchanama of the house of Sangram as well as Suresh. No article which was alleged to be used in printing of alleged note was recovered from there house. One mobile phone

was alleged to be seized from the house of Suresh Patil. As per second remand report applicant/accused was arrested on 21/05/2022 at about 16.16 whereas as per the search panchanama of his house, the same was conducted on same day at about 20.10 at the instance of applicant/accused. The search panchanama of the house of applicant/accused was conducted at Ekatpur Tal. Sangola, District Solapur. The said panchanama was completed at about 20.55. Thereafter, on the same day police has conducted the search panchanama of house of accused Shridhar Ghadage at Vijaynagar Sangli, which was tried to be shown that it was conducted on the same day at about 22.15 at the instance of applicant/accused. However, in the said panchanama there is no whisper about the search panchanama of the house of accused. All the incriminating articles are seized from the house of Shridhar Ghadage.

12. Perused the statement of Sanket Patil. He stated that on 18/05/2022, his father directed him to give the bag of money to the applicant/accused Suresh Patil. Accordingly, he has paid the amount to applicant/accused. However, this witness is totally silent as to whether that bag was containing the fake currency. The same thing is also reflected from the statement of Wasim Shinde. Except this, there is no evidence on record against the applicant/accused. The video recording of destruction of the currency note found in the mobile of applicant/accused, itself can not say that he has destroyed the fake currency. There is absolutely no evidence that the currency note destroyed by applicant/accused are either fake or genuine. Similarly, there is also no evidence on record to show that amount paid by Sanket Patil to the applicant/accused was containing the fake

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currency notes. No fake currency notes has been seized at the hands of applicant/accused nor it is the case of prosecution that applicant/accused has used the fake currency note in the market. Thus, there is a very evidence against applicant/accused. Under such circumstance, I am of the opinion that applicant/accused is entitled for bail. The ground raised by the prosecution can be considered at the time of imposing the conditions. In result, I pass the following order.

ORDER

1. Bail application is allowed.
2. The applicant/accused no. 3 Suresh Nanasaheb Patil shall be released on bail, on furnishing PR and SB of Rs. 50,000/- (Rupees Fifty Thousand only) with one solvent surety in like amount in connection with Crime No. 321/2022, registered at Islampur Police Station, on following conditions. :
 - (i). The applicant shall remain present at Islampur Police Station on every Monday between 11.00 a.m. to 01.00 p.m. till framing of charge.
 - (ii). The applicant shall not threaten, influence or tamper with the prosecution witnesses and evidence.
 - (iii). The applicant shall furnish his address proof and mobile numbers and addresses of his two nearest relatives.
 - (iv). The applicant shall not commit any offence.

ISLAMPUR.

Date : 30.09.2022

(Aniruddha Subhash Gandhi)
Additional Sessions Judge, Islampur.

CERTIFICATE

I affirm that, the contents of this P.D.F. file are same, word to word, as per original order.

Name of the Stenographer : Shri. Pradip T. Patil (Grade-I)
Court Name : Addl. Sessions Court, Islampur.
Date of Judgment/order : 30.09.2022
Signed by P.O. on : 30.09.2022
Uploaded on : 30.09.2022