S.C. NO. 80/2022
State Vs. Sangram Suryawanshi

ORDER BELOW EXH. 27

Present application is filed by accused no. 1 Sangram Suryawanshi under Section 439 of Cr.P.C. for bail.

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 applicant/accused Sangram Suryavanshi. During the course of interrogation of applicant/accused No. 1 he has confessed about his presence with ATM deposit machine. He also mentioned the name of co-accused Pintu as the co-accused in the crime. According to him the present applicant with the aid of accused No. 3 circulated the fake currency notes to him. On the basis of his statement police has registered the crime. During investigation accused came to be arrested.

3. Applicant/accused has filed previous bail petition No. 101/2022 and 151/2022 which were came to be 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. 31 inter alia contending that, applicant accused is working in sales department of HDFC Bank. With intention to get the amount from Vishal by way of online payment he has deposited the counterfeit currency in ATM deposit machine. The applicant accused has been identified by his friend Vishal. Accused has received the fake currency from accused No. 3 Suresh and handover the same to accused No. 1. He is circulated the fake currency in the market. He is the main distributor. Accused No. 3 has destroyed the currency note by setting a fire. The said act was recorded in mobile phone. The mobile phone is seized from the said accused. 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.J. Patil 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. It is the allegation of the prosecution that the person depositing the fake currency has wore the mask therefore, the identity of accused and their involvement in crime is in question. There is no mens-rea of applicant/accused to commit the crime. Hence, he sought bail. In support of his contention he relied on following case law;

1. Sanskriti Jayantilal Salia Vs. The State of Maharashtra reported in 2018 ALL MR (Cri) 4613.

7. Perused the documents on record. From the FIR, it appears that, the crime is registered in respect of deposit of fake currency by the applicant/accused Sangram Suryavanshi in the account of Vishal More. It is pertinent to note here that applicant/accused is serving in bank. He has the knowledge about original and fake currency. He has knowledge about the banking system. The then also by taking the advantage of knowledge of banking system he tried to get the money by online transaction from his friend Vishal by depositing the fake currency in his account. Though, the applicant accused covered his face by wearing the mask initially, he has identified by his friend Vishal and later on he himself has confessed that he is the same person who has deposited the said currency notes in the bank.

8. Perused the case cited by the applicant/accused. At para 10 of the judgment Hon'ble High Court has observed as under ;

10. Perusal of the said Section would reveal that mens rea is an essential ingredient of the said Section and use of the term "knowing or having reason to believe the same to be forged or counterfeit" is the sine qua non for inviting penalty under the said provision. When mens rea is conspicuously absent, mere judgment-wp3027-18.doc use of any forged or counterfeit currency notes or bank notes cannot attract the provisions of Section 489(B). The essential ingredient of the said offence being that the person, who receives the notes has reason to believe that the said notes are forged or counterfeit. The burden to prove beyond all reasonable doubt, that the accused had knowledge or reason to believe that the currency notes which were put to use / possessed by him were counterfeit or fake currency note is on the prosecution.

9. In the present case it is not the case of applicant/accused that he has inadvertently received the said currency note from unknown person and he has no knowledge that the said currency note was fake and thereby deposit the same in the account of Vishal. However, from the evidence on record and the scenario before the court, it appears that applicant/accused was having fake currency note. He was in the possession of fake currency note, intends to brought the said fake currency notes in the market. Hence, he asked his friend Vishal to transfer the online amount to him which he is going to deposit in his account. If applicant accused really intends to show any amount in his account then he may directly deposit the same to his account. There was no need to use the account of Vishal to effect the transfer of money. Thus, since beginning there was intention of applicant/accused to circulate fake currency in the market and hence he has deposited the said in the account of Vishal. Applicant/accused is working in HDFC Bank. The employees of bank are supposed to protect the society from such a fake currency. In this

....

case, bank employee himself is taking disadvantage of his position and knowledge of banking system to circulate the fake currency in the market. Thus, in my opinion, there was a mensrea since beginning and the act of circulating the fake currency by the employee itself is a serious question. जर कुंपनच शेत खाऊ लागले तर ....

10. Hence, in result, all above discussion and aggregating circumstance against the applicant/accused, I am of the opinion that applicant/accused is not entitled for bail. The case law relied on is not useful in the present case. Previous two bail petitions filed by applicant/accused were rejected. Applicant/accused fails to show any change in circumstance to grant the bail. Though, some of co-accused are released on bail, the role played by applicant/accused and released co-accused is totally different. They are not on same footing. Hence, applicant/accused is not entitled for bail on the ground of parity. In result, I pass the following order.

ORDER

1. Bail application is hereby rejected.

ANIRUDDHA SUBHASH GANDHI

Digitally signed by ANIRUDDHA SUBHASH GANDHI
Date: 2022.11.14 17:25:50 +0530

ISLAMPUR.
Date : 14.11.2022

(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	:	14.11.2022
Signed by P.O. on	:	14.11.2022
Uploaded on	:	14.11.2022

....