

(2020) 12 MP CK 0058

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No. 34528 Of 2020

Sanjay Singh Bundela

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

Date of Decision : 09-12-2020

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 439

Indian Penal Code, 1860 — Section 489A, 489B, 489C

Citation : (2020) 12 MP CK 0058

Hon'ble Judges : Rajeev Kumar Dubey, J

Bench : Single Bench

Advocate : Surendra Singh, Aswani Kumar Dubey

Final Decision : Dismissed

Judgement

Rajeev Kumar Dubey, J

This is the First bail application filed under section 439 Cr.P.C. Applicant Sanjay Singh Bundela was arrested on 18/7/2020 in Crime No.455/2020

registered at Police Station Kohefiza, District Bhopal for the offence punishable under Sections 489-A, 489-B, 489-C of IPC.

As per prosecution case, on 18/7/2020 co-accused Mukesh Yadav went to English Liquor shop located at Lalghati, Bhopal and tried to circulate

counterfeit note of Rs.100/-. At that point of time, Nitin Ahirwar, Sub-Inspector, Police Station Kohefiza, who was on patrolling, reached there and

arrested co-accused Mukesh Yadav and seized 6 counterfeit currency notes of Rs.100/- total Rs.600/- from his possession. On interrogation, co-

accused Mukesh Yadav informed the police that the said notes were given to him by co-accused Habib, who is the friend of his employer applicant

Sanjay Singh Bundela and he also informed the police that co-accused Habib and

applicant Sanjay Singh Bundela are sitting in a Scorpio jeep bearing registration No.MP-11-CC-1598. On that, Nitin Ahirwar, Sub-Inspector along with other members of the police force went to the spot, where he found that one Scorpio jeep bearing registration No.MP-11-CC-1598 was parked at Lalghati near Petrol Pump under the bridge. On seeing the police, one person who was sitting on the driver seat of the jeep (later identified as co-accused Habib) fled away from the spot. He arrested applicant Sanjay Singh Bundela, who was also sitting in that vehicle. On searching, applicant Sanjay Singh Bundela, counterfeit currency notes of Rs.100/- worth Rs.65,000/- were found, which were kept by applicant Sanjay Singh in his vest's pocket. On interrogation, applicant Sanjay Singh Bundela informed the police that co-accused Habib had given those currency notes to him in lieu of Rs.32,000/-. Police registered Crime No.455/2020 for the offence punishable under Section 489-A, 489-B, 489-C of IPC at Police Station Kohefiza and investigated the matter. During the investigation, it was found that co-accused Sandeep, Ankit @ Ketan, Ayush and Tabrez used to prepare counterfeit currency notes in the house of Tabrez and they gave counterfeit currency notes to accused Habib. On that, police also arrested co-accused Ankit @ Ketan and seized 60 counterfeit currency notes of Rs.100/- total Rs.6,000/- from his possession and also seized one colour printer and other instruments used in preparing counterfeit note from the house of co-accused Ankit @ Ketan and co-accused Ayush and also seized 25 counterfeit notes of Rs.100/- total Rs.2,500/- from the possession of co-accused Ayush Piyani, seized 38 counterfeit notes of Rs.100/- total Rs.3,800/- from the possession of co-accused Sandeep Shakya, seized 53 counterfeit notes of Rs.100/- total Rs.5,300/- from the possession of co-accused Tabrej Khan and arrested them.

Learned counsel for the applicant submits that applicant is innocent and has falsely been implicated in the offence. Even otherwise, from the evidence collected by the police during investigation, only offence punishable under Section 489(C) of the IPC is made out against the applicant which is bailable one. Though, in the confessional statement of co-accused Mukesh, it is mentioned that the applicant gave counterfeit notes to him for circulation but the memorandum of co-accused is not admissible against the applicant. The charge sheet has been filed. The applicant has been in custody since

18/7/2020 and the conclusion of the trial will take time, hence prayed for the release of the applicant on bail.

Learned counsel for the respondent/State opposed the prayer and submitted that co-accused Mukesh tried to circulate counterfeit notes of arrested

the applicant on 18/7/2020 and also seized counterfeit currency notes of Rs.100/- worth Rs.65,000/- from the possession of the applicant. So,

memorandum of co-accused Mukesh is admissible against the applicant to show the fact that the applicant knowing well that the seized currency

notes are fake kept that currency notes in his possession. So, the offence punishable under Section 489(B) of the IPC is clearly made out against the

applicant which is non-bailable offence. So, looking to the gravity of the offence, he should not be released on bail.

Looking to the facts and circumstances of the case and the contention of the learned counsel for the State and the fact that the police seized

counterfeit currency notes of Rs.100/- worth Rs.65,000/- from the possession of the applicant. It is also alleged that the applicant gave the six

counterfeit currency notes of Rs.100/- to co-accused Mukesh for circulation, this Court is not inclined to grant bail to the applicant.

Hence, the application is rejected.