NC: 2024:KHC:7430
CRL.P No. 7102 of 2023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 22ND DAY OF FEBRUARY, 2024

BEFORE

THE HON'BLE MR JUSTICE MOHAMMAD NAWAZ

CRIMINAL PETITION NO.7102 OF 2023

BETWEEN:

SMT. RAJAPUTHA RAJANI,
AGED ABOUT 38 YEARS,
W/O J. THEJA,
R/AT FLAT NO. 206, ROAD NO. 4,
SINGAPORE TOWNSHIP,
NEAR RIMS PUTTAMPALLI,
CUDDAPAH, ANDHRAPRADESH - 516 004.

...PETITIONER

(BY SRI. BASAVARAJU T.A, ADVOCATE)

AND:

STATE OF KARNATAKA BY
SUBRAMANYAPURA NAGAR P.S,
BENGALURU CITY,
REPRESENTED BY STATE PUBLIC PROSECUTOR,
HIGH COURT COMPLEX,
BANGALORE - 560 001.

...RESPONDENT

(BY SRI. RANGASWAMY R, HCGP)

Digitally signed by V KRISHNA
Location: High Court of Karnataka

THIS CRL.P IS FILED U/S.439 OF CR.P.C PRAYING TO ENLARGE THE PETITIONER ON BAIL IN CR.NO.19/2023 OF SUBRAMANYAPURA P.S., BENGALURU CITY FOR THE OFFENCE P/U/S 489(A), 489(B), 489(C), 489(D) R/W 34 OF IPC PENDING ON THE FILE OF THE LX ADDL.CITY CIVIL AND SESSIONS JUDGE BENGALURU (CCH-61) IN S.C.NO.550/2023.

THIS PETITION, COMING ON FOR ORDERS, THIS DAY, THE COURT MADE THE FOLLOWING:

ORDER

Petitioner / accused No.2 has preferred this petition under Section 439 of Cr.P.C. prying to enlarge her on bail in Crime No.19/2023 of Subramanyapura Police station, registered for the offence punishable under Section 489-A, 489-B and 489-C read with Section 34 of IPC.

2. FIR is registered against accused Nos.1 and 2. Charge sheet is filed against accused Nos.1 to 4 for the offence punishable under Section 489-A, 489-B and 489-C and 489-D read with Section 34 of IPC.

3. Heard and perused the material on record.

4. Brief facts of the prosecution case are that, on 19.01.2023 at about 01:30.P.m., when the complainant-PSI of Subramanyapura Police station was in the police station, an informant came to the police station and informed that two un-known persons are selling fake currency notes in a grey colour Baleno car bearing Reg.No.

AP-21-CC-7854 in Uttarahalli, Kengeri Main Road. The said information was noted in the Station House Diary and the complainant secured his staff and Panchas and went to the spot. They saw a person standing near the car and another person sitting inside the car holding a yellow and black colour plastic cover. On seeing the police, the person inside the car tried to conceal the cover. On verification, it was found that the said cover contained 8 bundles of counterfeit currency notes of Rs.500/- denomination.

5. On enquiry, the accused revealed that they secured the notes from Ananthpura. Both the accused were arrested and 818 counterfeit currency notes of Rs.500 denomination as well as mobile phones and car were seized and subjected to PF-No.10/2023.

6. On the information furnished by accused No.1, police arrested accused Nos.3 and 4 on 23.01.2023 from Chinmaya Nagara, Ananthpura, Andhrapradesh. From their possession 1250 counterfeit currency notes of Rs.500/- denomination as well as the equipments used to print the

fake currency notes were seized and subjected to PF-No.12/2023.

7. The learned counsel for the petitioner has contended that petitioner was only a traveler in the car and she had no knowledge about the counterfeit currency notes being kept in the plastic cover. He has contended that according to prosecution, accused Nos.3 and 4 are involved in printing the fake currency notes and therefore, even accepting the case of prosecution, accused No.2/petitioner was only in possession of counterfeit currency notes, which will attract only Section 489-C of IPC. It is contended that the said offence is punishable with maximum imprisonment of 7 years or fine or both. It is also contended that, on receiving the information regarding commission of a cognizable offence, the police have not registered the FIR and therefore, the seizure of alleged fake notes is doubtful.

8. The learned counsel has further contended that the petitioner is a woman and she is in judicial custody

since 19.01.2023. She has two sons who are studying. He submits that the petitioner is ready and willing to furnish adequate surety to ensure her regular presence before the Trial court. Accordingly, he has sought to allow the petition and enlarge the petitioner on bail.

9. Per contra, the learned High Court Government Pleader has contended that the petitioner was in possession of huge quantity of counterfeit currency notes, which prima facie show that she had the knowledge about the fake notes in the car. He has contended that the petitioner tried to conceal the cover containing bundles of counterfeit currency notes. He has contended that all the accused are involved in printing and circulation of fake currency notes, which is a serious offence effecting the economy of the country. He has therefore, sought to dismiss the petition.

10. The contention of the learned counsel for petitioner that the entire allegations are false and the seizure is doubtful since the police have not registered the

FIR, even after receiving an information about commission of cognizable offence etc. can not be accepted at this stage. In the complaint itself it is mentioned that the information was noted down in the Station House Diary and then the police proceeded to the spot and apprehended the accused.

11. FIR is registered against accused Nos.1 and 2. According to the prosecution, accused Nos.1 and 2 were traveling in the car. The petitioner/accused No.2, tried to conceal the cover which she was holding and on verification, it was found that the said cover contained fake currency notes. However, the involvement of Accused Nos.3 and 4 came to be revealed on the voluntary statement of accused No.1. The said accused were arrested from Anantapura, in Andhrapradesh. Hence, at this stage, it can be gathered that accused No.1 had the knowledge about the involvement and whereabouts of accused Nos.3 and 4, from whose possession, the equipments used for printing the counterfeit currency

notes, as well as 1250 fake notes of 500 denomination were recovered. Possession of a cover containing counterfeit currency notes from the petitioner is not sufficient to hold that, she is also involved in either printing or circulation of the fake notes.

12. The learned counsel for petitioner has relied on a decision of the High Court of Judicature at Bombay in the case of ***Rahul Dinakr Vachakal V/s. State of Maharashtra*** dated 22.12.2020, to contend that, mere possession of counterfeit notes will not attract Section 489A or B of IPC.

13. Petitioner was found in possession of counterfeit currency notes. However, at this stage, there is no sufficient material to show that she is either involved in printing or circulation of counterfeit currency notes. The petitioner is a woman, she is in judicial custody since 19.01.2023. The charge sheet is already filed. She has undertaken to furnish adequate surety to ensure her presence before the Trial Court. Hence, by imposing

suitable conditions, the relief sought by the petitioner can be granted. Accordingly, the following:

ORDER

i) The petition is ***allowed***.

ii) The petitioner/accused No.2 in Crime No.19/2023 of Subramanyapura Police Station, Bengaluru city, shall be released on bail subject to following conditions:

a) Petitioner shall execute a bond in a sum of Rs.1,00,000/- (Rupees One Lakh Only) with two sureties for the likesum, out of which one shall be a local surety, to the satisfaction of the jurisdictional Court.

b) She shall furnish proof of her residential address and shall inform the Investigation Officer/Court, if there is change in the address.

c) She shall not leave the jurisdiction of the trial Court without prior permission of the learned session Judge.

d) She shall not tamper with the prosecution witnesses either directly or indirectly.

e) She shall appear before the trial Court on all dates of hearing without fail.

Sd/-
JUDGE

LDC,GJM
List No.: 1 Sl No.: 31
CT: BHK