

Anand

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO.1 OF 2015

Zontu Abiram Basak .Applicant

V/s.

The State of Maharashtra .Respondent

Ms Anjali Patil, Advocate, for the Applicant
Mrs.A.S.Pai, APP, for the Respondent - State

CORAM : REVATI MOHITE DERE, J.

DATE : 5TH MAY, 2015

P.C.

. Heard the learned counsel for the applicant and the learned APP for the respondent – State.

2. By this application, the applicant seeks his enlargement on bail in connection with C.R.No.37 of 2014 registered with the Antop Hill Police Station, Mumbai, for the alleged offences punishable under Sections 489B, 489C, 120B r/w.34 of the Indian Penal

Code and under Sections 15A(iiiA) r/w.16 & 18 of the Unlawful Activities (Prevention) Act.

3. It is alleged that on 22.04.2014 whilst the complainant was on duty with the DCB, CID Unit, he received information that some persons were using fake currency notes for purchasing the articles from the market and that two persons by the names Munajir and Rohit had brought fake currency notes from West Bengal and had sold it at various places. Munajir and Rohit came to be arrested on the spot. The learned counsel for the applicant contended that except for the statement of the co-accused which is inadmissible, there is no other material to connect the applicant with the alleged offences.

4. The learned APP opposed the bail application on two counts (i) there are CDR records to show that the applicant was in contact with the arrested accused and (ii) the

applicant hails from Jharkhand and therefore, securing his presence before the trial Court may be difficult.

5. Perused the charge-sheet. As far as the CDR records are concerned, the arrested accused are also from West Bengal and only because the applicant was in touch with the co-accused, that by itself would not be sufficient to show the complicity of the applicant. Apart from the statement of the co-accused which is inadmissible, there is no other material prima facie, to connect the applicant with the alleged offences. As far as apprehension that the applicant will not be available for trial as he is from Jharkhand, the same can be taken care of whilst enlarging him on bail by imposing stringent conditions.

6. Considering the aforesaid material on record and the fact that investigation is complete and charge-sheet is filed, the

applicant is entitled to be enlarged on bail on the following terms & conditions:-

(i) The applicant be enlarged on bail on executing P.R.Bond in the sum of Rs.50,000/- with two local sureties of the like amount;

(ii) The applicant shall attend the Antop Hill Police Station, Mumbai on every Sunday between 10.00 a.m. to 11.00 p.m. till the conclusion of the trial;

(iii) The applicant shall not leave the jurisdiction of Mumbai and Thane without prior permission of the trial Court till the conclusion of the trial;

(iv) The applicant shall attend the trial Court on each and every date of the hearing.

(v) The applicant to co-operate with the investigating agency and shall not tamper or

attempt to influence the witnesses or any person concerned with the said case;

(vi) The applicant shall inform his latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the investigating officer of the Antop Hill Police Station, Mumbai;

(vii) The applicant shall file an undertaking with regard to all the aforesaid clauses i.e. from clause (ii) to (vi) in the trial Court; within one week of his release.

(viii) If there is a breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the applicant's bail.

7. The aforesaid observations are prima facie, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

8. The Application is allowed in the aforesaid terms and is accordingly disposed of.

Parties to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)