

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 579 OF 2015

Saddam Abdulhaq Shaikh. ... Applicant.
Versus
The State of Maharashtra. ... Respondent.

Mr. Neville D. Deboo i/b. Mr. Abhay B. Bhoir, advocate for Applicant.

Ms. P.P. Shinde, APP for State.

CORAM : SMT. SADHANA S. JADHAV,J
DATE : JUNE 15, 2015

P.C.:

1 Heard the learned Counsel for the applicant and learned APP.
Perused the papers.

2 This is an application under section 439 of the Code of Criminal Procedure, 1973. The applicant herein is arrested on 29th March, 2014 in Crime No. 144 of 2014 registered at Kolsewadi Police Station, Kalyan for offence punishable under Section 489B and 489C of the Indian Penal Code. It is pertinent to note that on 1st December, 14

the learned Counsel for the applicant upon instructions had withdrawn the application. This is the second round.

3 It is the case of the prosecution that on 29th March, 2014 the applicant was found circulating counterfeit currency notes. Initially, he had tendered a counterfeit currency note of Rs. 1000/- for purchasing four dettol soap in Sahu Kirana Stores. Rs. 925/- was returned. Thereafter, the proprietor of Sahu Kirana Stores had noticed that the present applicant had been to Jai Gurudev Novelty store and again gave a note of Rs. 1,000/-. The complainant suspected that although the applicant had the change of Rs. 925/-, he had again tendered a note of denomination of Rs. 1000/-. He therefore, informed the police. It was noticed that both the notes were counterfeit currency notes. Hence, the applicant was taken into custody. The investigation is completed and charge-sheet is filed. Compilation of the charge-sheet would clearly indicate that the currency notes which were seized were counterfeit notes. The learned APP submits that the applicant had the knowledge that they

were counterfeit notes and therefore, an offence under Section 489B and 489C is made out.

4 The learned Counsel for the applicant submits that after arrest, no more counterfeit currency notes were seized from the possession of the applicant. In the house search also no incriminating material was found. According to the learned Counsel, there is no reason to believe that the applicant has committed the said offence.

5 This is a matter of record that the notes circulated by the applicant were found to be counterfeit. Hence, no case for bail is made out. Moreover, there is no change of circumstance. Hence, the application being sans merit, stands rejected. The application is disposed of accordingly.

(SMT. SADHANA S. JADHAV,J)