

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE – CRIMINAL
APPLICATION NO.692 OF 2013

The State of Maharashtra ... Applicant
Vs.
Marikul @ Lutu Hajruddin Shaikh ... Respondent

Mr. Rajesh More, APP, for the Applicant-State.
Mr. Jayesh Ashok Vithlani, for the Respondent.

CORAM: P.D. KODE, J.

DATED: JANUARY 19, 2015.

PC:

1. By this application the prosecution seeks cancellation of bail granted to the opponents by learned Additional Sessions Judge, Greater Bombay, vide order dated 9.7.2013.
2. Learned APP tried to canvass that the finding recorded by the learned Additional Sessions Judge that case of the Respondent is covered under section 489 (C) is erroneous. It is submitted that considering the large number of counterfeit notes which were found with the Respondent, inference can be drawn that they he had brought said notes for selling and/or for trafficking.
3. A perusal of the charge-sheet does not contain any material for accepting the relevant submission. The material in the charge-sheet is confined to the fact that police had received information of the

accused coming to a particular place for trafficking of the currency notes. The material in the charge-sheet reveals that as the Respondent came at said spot and were nabbed by raiding party. Charge-sheet does not contained any act committed by either of the accused denoting that they had been to the relevant place with such large quantity of fake currency notes for trafficking. Reference made by the learned APP to the statement of one Kalpesh R. Gada, that earlier the Respondent had made an attempt to use Rs.500/- currency note for purchasing a charger and battery for itself cannot lead to the conclusion as canvassed. Thus, on the basis of the material, the finding arrived at by the learned Additional Sessions Judge of the case against the Respondent being confined to section 489 (C) of the IPC prima facie appears to be without any fault.

4. Resultantly, no case is made out for cancellation of bail. Needles to add that parameters of granting bail and parameters of cancellation of bail are altogether different. Having regard to it, the application stands rejected.

(P.D. KODE, J.)