

\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

*Date of Decision: January 15, 2015*

+ **BAIL APPLN. 2597/2014**  
MOHD FARID UI ISLAM @ FARID ..... Petitioner  
Through: Mr. Puneet Agrawal, Advocate

versus

STATE (GOVT OF NCT OF DELHI) ..... Respondent  
Through: Mr. Navin Sharma, Additional  
Public Prosecutor for State with SI  
Sumit PS Special Cell

+ **BAIL APPLN. 2598/2014**  
MOHD FARID UI ISLAM @ FARID ..... Petitioner  
Through: Mr. Puneet Agrawal, Advocate

versus

STATE (GOVT OF NCT OF DELHI) ..... Respondent  
Through: Mr. Navin Sharma, Additional  
Public Prosecutor for State with SI  
Sumit PS Special Cell

**CORAM:**  
**HON'BLE MR. JUSTICE SUNIL GAUR**

% **JUDGMENT**  
**(ORAL)**

With the consent of both the sides, the above-captioned two applications are heard together as the ground to seek bail in these two applications is common and by this common judgment, these two applications are being disposed of.

Petitioner is an accused in FIR No.27/2013 under Section 489B, 489C of IPC and in FIR No.32/2013 under Section 489B, 489C and 120-B of IPC. In the aforesaid two FIRs, co-accused of petitioner were found in possession of Fake Indian Currency Notes (FICNs) of ₹8 lakhs odd and they had disclosed that these FICNs had to be delivered to petitioner, whereas in the above-said second FIR, petitioner was found in possession of FICNs worth ₹2 lakhs. The first incident is of 19<sup>th</sup> June, 2013 whereas the second incident is of 1<sup>st</sup> September, 2013.

In the above-captioned two applications, petitioner seeks bail on the ground that he is in custody since 1<sup>st</sup> September, 2013 and the co-accused of petitioner are on bail and the matter is pending for trial. Learned counsel for petitioner submits that trial of these cases is likely to take some time and petitioner is not involved in any other case except these two FIRs and so, petitioner deserves bail.

These two applications are strongly opposed by learned Additional Public Prosecutor for respondent-State, who has submitted that petitioner is a member of syndicate involved in illicit trading of FICNs and the two co-accused of petitioner have been granted bail because they were not involved in circulation and distribution of FICNs. It was pointed out that petitioner had roots in *Malda* in West Bengal and is actively involved in trade of FICNs and so, petitioner does not deserve bail.

Upon hearing and on perusal of FIRs of these cases, status report filed and material on record, I find that ground to grant bail to co-accused Dinesh Gorsava @ Dinesh by trial court vide order of 1<sup>st</sup> April, 2014 is not justified as the observation made in the said order of co-accused Dinesh Gorsava @ Dinesh being not involved in circulation and

distribution of FICNs is not borne out from the record. However, respondent-State has not come forward to seek cancellation of bail of Dinesh, but it would not be a ground to treat petitioner at par with co-accused. So far as co-accused-Shahjahan is concerned, it was brought to the notice of this Court during the course of hearing that co-accused-Shahjahan is absconding and steps to get him declared Proclaimed Offender are being taken.

In the considered opinion of this Court, the case of petitioner is not at par with the case of co-accused, who have already been granted bail. The allegations against petitioner are of procuring FICNs, which has a debilitating effect on the economy of the Country.

The parameters governing grant of bail in such serious offences, as reiterated by Apex Court in *Dipak Shubhashchandra Mehta v. CBI* (2012) 4 SCC 134 are as under:-

*“The court granting bail should exercise its discretion in a judicious manner and not as a matter of course. Though at the stage of granting bail, a detailed examination of evidence and elaborate documentation of the merits of the case need not be undertaken, there is a need to indicate in such orders reasons for prima facie concluding why bail was being granted, particularly, where the accused is charged of having committed a serious offence. The court granting bail has to consider, among other circumstances, the factors such as (a) the nature of accusation and severity of punishment in case of conviction and the nature of supporting evidence; (b) reasonable apprehension of tampering with the witness or apprehension of threat to the complainant; and (c) prima facie satisfaction of the court in support of the charge. In addition to the same, the court while*

*considering a petition for grant of bail in a non-bailable offence, apart from the seriousness of the offence, likelihood of the accused fleeing from justice and tampering with the prosecution witnesses, have to be noted.”*

In view of gravity of offence purportedly committed by petitioner, he is not entitled to bail in these two FIR cases.

Consequently these two applications are dismissed while not commenting upon the merits of these cases. Since petitioner is in custody for about 1 ½ year, therefore trial court shall make all endeavours to expedite trial of these two FIR cases.

*Copy of this order be sent to trial court forthwith.*

**(SUNIL GAUR)**  
**JUDGE**

**JANUARY 15, 2015**

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