

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 2349 OF 2015

Kamruddin Sikandarali Javan		
alias Ksamruzaman Sikandarali		
alias Tammu	...	Applicant
Vs.		
The State of Maharashtra	...	Respondent

Mr. Vasant B. Ghorpade, Advocate for the applicant.
Mrs. P.P. Shinde, APP for the State.

CORAM: **MRS.MRIDULA BHATKAR, J.**
DATE: **31st March, 2016.**

P.C.:

This Application is moved for bail, as the applicant/accused is facing charges under section 489 b and c of the Indian Penal Code in C.R. No. 4 of 2016 registered with Anti-terrorist Squad, Kalachowki. The offence is registered at the instance of Rajendra Sawant, who is police constable with P.C. No. 5308

2. It is the case of the complainant that on 11th March, 2015 when he was on duty he received a confidential information from the informant that accused Monirul Shaikh alias Manu is going to bring counterfeit notes at Hotel Gomukh at Dhanabundar, Dongiri. The police laid trap and said persons were arrested. On his personal search, they found fake G.C. Notes of Rs.1000/- and Rs.500/- denomination, totalling to Rs.35,500/-. Pursuant to the arrest of this accused no. 1 Manu, in the course of investigation, the police visited to different places and they found on

personal search and house search of the applicant/accused at Wadala that applicant/accused, who is accused no. 3, was in possession of fake G.C. Notes of Rs.1,41,000/-. He was arrested immediately. Hence, this Bail Application.

3. The learned counsel for the applicant/accused has submitted that the applicant/accused is in prison since last one year. He has not committed any offence much less the offence of possession of G.C. Notes. He further submitted that, as per the case of the prosecution, the applicant/accused was in possession of counterfeiting currency notes and this is in fact a bailable offence. There is no such charge that he has used those currency notes as genuine. The learned counsel for the applicant/accused submitted that prosecution could not collect any evidence to show that he has used counterfeit G.C. Notes as genuine. Therefore, the applicant be granted bail.

4. The learned APP opposed the Application. She submitted that the applicant/accused is not from Mumbai and moreover, when he was caught, an amount of Rs.1,41,000/- fake G.C. Notes were found. The applicant/accused and co-accused are working together as a gang. She relied on the seizure and search panchnama of G.C. Notes. She relied on the report of Currency Note Press, Nashik which discloses that the G.C. Notes which were taken in charge from the applicant/accused is fake. She

further relied on the statement of the landlord. She submitted that applicant has given counterfeit notes to the landlord. She further submitted that if the applicant/accused is granted bail, he is going to commit same offence and he will jump the bail.

5. Perused the FIR, report of the Government press, seizure and search panchnama. The statement of the landlord is recorded on 31st March, 2015 which discloses that the landlord has given his house on leave and licence basis to the applicant/accused for 11 months and accordingly, the agreement was signed. He has produced the copy of the said agreement to the police. The landlord/witness further stated that the applicant/accused paid him Rs.22,000/- towards the deposit and rent, out of which he has produced G.C. Notes of Rs.1,000/- and Rs.500/- to police and said G.C. Notes are counterfeit currency. Thus, the applicant/accused has used the fake G.C. Notes. The offence of counterfeiting is very serious as it hits the economy of the country. Considering the submissions of learned APP, I am not inclined to grant bail. Hence, Application for bail is rejected.

(MRIDULA BHATKAR, J.)