

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

CRIMINAL BAIL APPLICATION NO. 1308 OF 2016

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

Mr. Sachin Dhakephalkar, advocate for Applicant.

Mr. Prashant Jadhav, APP for State.

**CORAM : SMT. SADHANA S. JADHAV,J
DATE : OCTOBER 13, 2016**

P.C.:

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

2 This is an application under Section 439 of the Code of Criminal Procedure, 1973. The applicant herein is arrested on 13/1/2014 in Crime No. 7 of 2014 registered at Vimantal Police Station for offence punishable under Section 420, 489B and 489C of the Indian Penal Code. The investigation is completed and charge-sheet is filed.

3 It is the case of the prosecution that on 12/1/2014 one Shahidul Islam Shaikh lodged a report at the police station alleging that two days prior to 12/1/2014 a person used to visit his chicken shop to purchase one kg. Chicken and used to give him 1000 rupees note and taking the change. On 11/1/2014 he had given him the currency note of Rs. 1000/- denomination. That the complainant was to send money to his parents and therefore, he had been to S.B.I. Bank, Vishrantwadi branch. He had also given the 1000 rupees note given by the said person. It was revealed that the said currency notes were counterfeit notes. The first informant enquired with the said person about his profession and he had learnt that he was running a juice bar. Shahidul Shaikh lodged a report at the police station, on the basis of which Saudagar Ali was arrested. In the course of enquiry, he had disclosed that the said counterfeit notes were given to him by the present applicant. The present applicant was arrested. A memorandum was recorded under Section 27 of the Indian Evidence

Act. Pursuant to the memorandum, there was a recovery of 25,000 counterfeit currency notes of the denomination of Rs. 1000/- each.

4 The learned APP at this stage, submits that another offence is registered against the applicant for the offence punishable under Section 489B and 489C of the Indian Penal Code.

5 The learned Counsel for the applicant submits that it is true that there were counterfeit notes in his house. However, he had not used the same and therefore, he deserves to be enlarged on bail.

6 The said submission cannot be countenanced for the reason that the said counterfeit notes were put into circulation by the present applicant and one of mode of circulation was to give said counterfeit notes to accused No. 1 for putting it into circulation into market. It therefore, cannot be said that the applicant had only stored the counterfeit notes but he had in fact, circulated the same in the open market. The said act would adversely affect the economy of the State

and the Nation. It would disturb the economic equilibrium. Hence, the applicant does not deserve to be enlarged on bail.

7 The application being sans merits stands rejected.

8 However, it is made clear that the observations made herein above are prima facie in nature and are restricted to the application under section 439 of the Code of Criminal Procedure, 1973. The learned Sessions Judge shall not be influenced by the same at the time of trial.

9 The application is disposed of accordingly.

(SMT. SADHANA S. JADHAV,J)