

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.2344 OF 2015

Mohd. Rahim Mohd. Atabul Momin
& Anr.

...

Applicants

Vs.

The State of Maharashtra

...

Respondent

Mr. Neville D. Deboo, Adv. i/b. Abhay B. Bhoir, Adv. for the
applicants.

Ms. Veera Shinde, APP for the State.

CORAM : SMT ANUJA PRABHUDESSAI, J.
DATE : 4th January, 2016.

P.C. :

1. This is an application for bail filed by the aforesaid applicants who are facing trial in Sessions Case No.72 of 2015 for offences 489(B) and 489 (C) read with 34 of the IPC.

2. The case of the prosecution is that the applicants were circulating counterfeit notes. Madhukar Khude, who had received one of such notes from the applicant had lodged the FIR, pursuant to which the aforesaid crime was investigated and upon completion of the investigation chargesheet was filed before the learned JMFC, Uran and the case being sessions triable, was committed to Sessions Court,

Raigad, Alibag. The bail application filed before the Sessions Court was dismissed by the learned Sessions Judge, Raigad vide order dated 27th October, 2015.

3. Mr. Deboo, the learned counsel for the applicants has submitted that there is no prima facie material to show that the applicants had knowledge that the notes were counterfeit. He had further submitted that there is no prima facie material to show the involvement of the applicant in committing the said crime.

4. Mrs. Shinde, the learned APP for the State has submitted that the material on record reveals that the applicants had circulated the counterfeit notes to various persons this fact prima facie reveals that they had knowledge that the notes were counterfeit. She has further stated that the applicants are the residents of West Bengal and if released on bail they will not be available for trial.

5. I have perused the records and considered the submissions advanced by the learned counsel for the applicant and the learned APP for the State. The FIR prima facie reveals that on 5th January, 2015 the applicants had been to the shop of the complainant and had

purchased sun glasses for a price of Rs.350/- and had given to the complainant a note of Rs.1,000/- denomination. The complainant had accepted the said note and returned to the applicants Rs.650/-. Upon verifying the said note the complainant suspected that the note was counterfeit. He therefore reported the matter to the police and the complainant along with police personnel went in search of the applicants. The applicants were apprehended and 9 notes of Rs.1,000/-, 8 notes of Rs.500, 8 notes of Rs.100/-, 2 notes of Rs.50/- and 4 notes of Rs.10/- were recovered from the applicant No.1. While 2 notes of Rs.1000/-, 3 notes of Rs.500/-, 2 notes of Rs.100/- and 1 note of Rs.50/- were recovered from the applicant No.2.

6. The material on record prima facie reveals that the notes recovered / seized from the applicants were counterfeit. The knowledge or intention can only be gathered from attending circumstances and will have to be proved at the trial.

7. Nevertheless the statements of witnesses namely Ganesh Devshi and Suresh Jain prima facie reveal that the applicants had circulated counterfeit notes as genuine notes to several other persons. Thus there is prima facie to show the involvement of the applicants in

commission of the offence.

8. The applicants are the natives of West Bengal and there is every possibility of the applicants absconding and not being available for trial. Grant of bail will therefore hamper the trial.

9. The offence of such nature destabilise the economy of the country and need to be viewed seriously. Therefore this is not a fit case to exercise the discretion in favour of the applicants.

10. Under these circumstances and in view of discussion supra the application is dismissed.

(ANUJA PRABHUDESSAI, J.)