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

Judgment delivered on : December 23rd, 2016

\+ BAIL APPLN. 2443/2016

SHAHJAN SHEIKH @ TUNNU @ SAJAN ..... Petitioner

Through Mr.S.P. Singh and Mr.Krishna Kant Sharma, Advs.

versus

STATE ..... Respondent

Through Mr.M.S. Oberoi, APP with SI Dheeraj Yadav, Special Cell.

CORAM:
HON'BLE MR. JUSTICE P.S.TEJI

% **ORDER**

P.S. TEJI, J.

1. The present application under Section 439 of Code of Criminal Procedure, 1973 (hereinafter referred to as the Cr. P.C.), has been filed by the petitioner for seeking regular bail in a case registered as FIR No.32/2013, under Sections 489B/489C/120-B of Indian Penal Code, at Police Station Special Cell, Delhi Police.

2. The facts in brief are that the present case was registered on the basis of secret information that a syndicate was involved in illegal circulation of Fake Indian Currency Notes (FICN), printed in Pakistan and the same were being infiltrated through Indo-Bangladesh Border.

Co-accused Farid-ul-Islam was arrested on 01.09.2013 from Old Delhi Railway Station and huge amount of FICN was receovered from him. Two other associates, namely, Kunj Bihari Pandey and Safid-ul-Alam were also arrested on 02.09.2013. The investigation revealed that the kingpin of the syndicate was the petitioner/accused Shahjan. Name of the petitioner/ accused was also cropped up during investigation of another FIR No.27/2013, Police Station Special Cell, Delhi. Non Bailable Warrants were issued against the petitioner in the said FIR and the Court has initiated the proceedings under Section 82/83 Cr.P.C. in the said FIR. During the proceedings under Section 83 Cr.P.C. in the case of FIR No.27/2013, the petitioner/accused was apprehended on 25.03.2015 from his residence at District Malda, West Bengal.

3. On 05.04.2015, the petitioner/accused was formally arrested in the instant FIR. During interrogation, the accused disclosed commission of crime of procuring and circulation of FICN in various parts of India. Investigation revealed that in June 2013, accused supplied FICM of Rs.8 lakhs to one Anand Tarapado Bahg in lieu of 50% genuine Indian currency with the direction to deliver Rs.3 lakhs to co-accused Farid-ul-Islam. Later on, he provided Rs.5 lakhs to Farid-ul-Islam. During investigation, call details of mobile phone of the accused were collected which shows that he was in constant touch with co-accused Farid-ul-Islam.

4. Argument advanced by the counsel for the petitioner/accused is that the petitioner is a petty contractor and supplies labour force to the

construction companies in the area of Gurgaon and Delhi. He maintains his bank account with Axis Bank, Gurgaon for the purpose of depositing money towards payment of labour force. The petitioner has been falsely implicated on the disclosure statement of co-accused. No FICN was ever recovered from the possession of the petitioner. As per alleged bank deposit slips, very small amounts have been deposited in the bank account of the petitioner, his wife and his brother. The alleged bank deposit slips have been fabricated by the police. All the co-accused persons in FIR No.27/2013 and in the instant FIR have already been released on bail except the petitioner and co-accused Farid-ul-Islam.

5. The bail application has vehemently been opposed by the APP for the State. He has argued that the petitioner is the kingpin of the syndicate which supplies FICN into India. At the time of arrest of co-accused Farid-ul-Islam, some bank pay in slips were recovered which were being used to deposit genuine Indian currency in the bank account of petitioner/accused and his wife to obtain FICN. The petitioner is involved in the heinous crime against the State and cause damage to the Indian economy. It is further submitted that after great efforts the petitioner/accused was apprehended and that if he were to be released on bail, he may flee from justice.

6. Arguments advanced by the counsel for the petitioner and APP for the State were heard.

7. The allegations leveled against the petitioner/accused are serious in nature to the effect that he was running a syndicate which

procured FICN from outside India and used to circulate the same into India with a view to damage the economy of the country. It is apparent that the co-accused Farid-ul-Islam was apprehended with FICN of Rs.5 lakhs and thereafter the petitioner was apprehended. Apart from allegations contained in the instant FIR, another case is also registered against the petitioner with the similar allegations.

8. It is also matter of record that the petitioner/accused was arrested with great efforts as firstly Non Bailable Warrants were issued and then proceedings under Section 83 Cr.P.C. were initiated against him. Bank deposit slips have been recovered from co-accused which shows that he used to deposit genuine Indian currency in the bank accounts of the petitioner/accused and his wife in lieu of FICN. There is apprehension of fleeing of the petitioner in case he is released on bail. The trial of matter is still at the initial stage and the witnesses are yet to be examined by the prosecution. The contention made by the counsel for the petitioner that the allegations are false and there is no evidence against the petitioner, is a matter of trial and no comment on the same can be made at this stage. Such contentions can be answered only after adducing evidence by the parties and that too at the time of passing final judgment by the trial court.

9. Keeping in view the role assigned to the petitioner that he is the kingpin of the syndicate running FICN racket, seriousness of the offence and in view of the facts and circumstances mentioned, this Court is of the considered opinion that it is not a fit case to enlarge the petitioner/accused on bail.

10. However, the trial court is directed to expedite the trial.

11. Before parting with the order, this court would like to place it on record by way of abundant caution that whatever has been stated hereinabove in this order has been so said only for the purpose of disposing of the prayer for bail made by the petitioner. Nothing contained in this order shall be construed as expression of a final opinion on any of the issues of fact or law arising for decision in the case which shall naturally have to be done by the Trial Court seized of the trial.

12. Bail application is accordingly dismissed.

(P.S.TEJI)
JUDGE

DECEMBER 23, 2016
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