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

CRIMINAL BAIL APPLICATION NO. 175 OF 2017

Razakali Kubusali Shaikh

...Applicant

vs

The State of Maharashtra

...Respondent

.....

Ms Naima Shaikh i/b Mr Khan Abdul Wahab for the Applicant

Mr R.M.Pethe, APP for the Respondent

Mr Arjun Jagdale, API, Antop-Hill Police Station.

.....

**CORAM : SMT SADHANA S. JADHAV, J.
23 JANUARY, 2017**

P.C. :

Heard. This is an application under Section 439 of the Code of Criminal Procedure, 1973. The Applicant herein is arrested on 29th April, 2016 in Crime No.126 of 2016 registered at Antop-Hill Police Station for the offence punishable under Sections 489(A)(B)(C)(D) of Indian Penal Code.

2 It is the case of the prosecution that on the basis of the secret information received by police, they had arranged a trap at Kalpak Naka, Best Bus Stop, Antop-Hill Mumbai. That as per the information, police had raided the said spot. They had seen two persons engaging into suspicious activities. They had given each other predetermined signals. One person had handed over some currency notes to the second person and at that time police had intervened.

The investigation was set in motion. Police had found 16 currency notes of Rs.1000/- denomination with accused No.2 which were counterfeit notes. He was also carrying counterfeit currency note of Rs.100/- denomination. In the course of investigation it was revealed that this was a racket which was being run by several persons. It was revealed that the counterfeit notes were being circulated from Calcutta. The police had been to West Bengal in search of wanted accused Samayun @ Ashik. They had called upon him on his cellphone. He was summoned to a particular place.

3 As far as the present applicant is concerned, he had been trapped by the police as he had been sent by Ashik. In his personal search police had found one counterfeit currency note of Rs.1000/- and another counterfeit currency note of Rs.500/-. The said counterfeit notes were concealed by the applicant in his undergarments. He was taken into custody. The present applicant is original accused No.5 who was taken into custody by the police at Malwa.

4 Learned counsel for the applicant submits that in fact the applicant had been sent by Samayun @ Ashik to execute the deal. It is submitted, that, the applicant had no knowledge that they were counterfeit notes. It is also submitted that the basic ingredient of the offence punishable under Section 489 (b) and (c) is knowledge of the accused that it is a counterfeit currency note.

5 Upon perusal of the statement of Devashish Mandal, who

was officiating as a police officer, Kaliyachak Police Station, it is clear that the applicant had concealed the said notes in his underwear and the same were recovered by police. The very fact that the applicant had concealed said currency notes, it is clear that the applicant had sufficient knowledge that it was a counterfeit note. Moreover, he appears to be the associate of the accused Ashik, and therefore, came to the spot at the behest of Ashik.

6 Taking into consideration, the role attributed to the present applicant and the papers of investigation, the applicant does not deserve to be enlarged on bail under Section 439 of the Code of Criminal Procedure 1973. Hence, the applicant does not deserve to be enlarged on bail. The application is rejected.

(SMT SADHANA S. JADHAV, J.)