

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
***CRIMINAL APPELLATE JURISDICTION***  
CRIMINAL BAIL APPLICATION NO. 583 OF 2017

Mr. Jamidar Ayaz Ali Shaikh

..Applicant

**Vs.**

State of Maharashtra

..Respondent

Ms. Sonu Sharma, for the Applicant.

Mr. A. P. Palkar, APP, for the Respondent.

CORAM :- T. V. NALAWADE, J.

DATE :- AUGUST 22, 2017.

**P. C.:**

The application is filed for bail in C. R. No.8 of 2015 registered at Kala Chowki Police Station, Mumbai for the offences punishable under Sections 489 (b), (c) r/w 34 of Indian Penal Code.

2            Though the crime is registered in the Police Station Mumbai, the charge-sheet is filed by A.T.S. in the Court of Pune as the offence is committed in Pune. Both sides are heard. Papers of investigation were made available for perusal of this Court.

3            On 19<sup>th</sup> June, 2015 raid was effected by the Police on the basis of information that fake currency notes were being

brought to India from Bangladesh and at the place informed, they were being circulated. There was specific information that some persons engaged in circulation of counterfeit notes were to come to the area of Mangla Talkies in Pune city on that date. When the action was taken and raid was effected. The present Applicant was found on the spot and he was in the company of persons like one Ashok Nagen Mandal, Gopal Mantu Sarkar etc. From the person of the present Applicant, 41 currency notes of Rs. 500 denomination each were recovered and all of them were fake currency notes. From the person of one accused 49 fake currency notes of 1,000 denomination were recovered and from accused No.2, 91 fake currency notes of 500 denomination were recovered. The seizure was made in the presence of panch witness. During the investigation, name of Premkumar Choudhary was also revealed and he also came to be arrested and 11 fake currency notes of 500 denomination came to be recovered from him.

4           The investigation revealed that accused Ashok was in touch with the persons from Bangladesh. There is material like actual possession which was found in raid of fake currency notes with the Applicant and CDR record showing that these persons

were in touch with each other and the persons of Bangladesh from where fake currency notes were brought to India. This material makes out prima facie case for offence under Section 489 (c) of the Indian Penal Code and also provisions of Unlawful Activities (Prevention) Act, 1967 against present Applicant and others as these activities are causing harm to the economy of the nation. On the basis of the material available, it cannot be said that it is simple case of possession and in the case of circulation of fake currencies, punishment provided is 7 years Rigorous Imprisonment. Such incident cannot be taken lightly and lenient view cannot be taken in view of object behind the law. The learned advocate for the Applicant submits that to Premkumar Choudhary bail is granted by this Court in Bail Application No.122 of 2017. From him, 11 currency notes were recovered as per record. The case of the Applicant cannot be treated on the same footing as the case of Premkumar Choudhary. He was traced after present raid. Applicant may abscond if bail is given to him. Due to the aforesaid circumstances, this Court holds that discretionary relief cannot be granted in favour of the Applicant. The application stands rejected.

**(T.V.NALAWADE, J.)**