

Anand

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

BAIL APPLICATION NO.1045 OF 2017

Raisuddin Rehman Shaikh

.Applicant

Vs.

The State of Maharashtra

.Respondent

Mr.K.U.Nikam, Advocate, for the Applicant

Mrs.S.S.Kaushik, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 26.07.2017

P.C.

. Heard learned counsel for the parties.

2. By this Application, the Applicant seeks his enlargement on bail in connection with C.R.No.212 of 2016 registered with the Pimpri Police Station, Pune, for the alleged offences punishable under Sections 489B, 489C, 420, 120B r/w 34 of the Indian Penal Code(for short 'IPC').

3. Learned counsel for the Applicant states that no offence as alleged is disclosed under Section 489B of the IPC, as against the Applicant. He submits that if at all an offence is disclosed, the same would be one punishable under Section 489C of the IPC and that

Section 489C is a bailable offence.

4. Learned APP is unable to show, how Section 489B of the IPC is attracted. She submits that it is not in dispute, that the Applicant was found in possession of fake currency notes, in his house.

5. Perused the papers. The Complainant – Shivraj Bhagwantrao Kalandikar, Police Naik received a secret information, that one person, was in possession of fake currency notes, and that he was encashing the same in small markets. Pursuant thereto, the Complainant alongwith the other police staff visited the Applicant's house and found fake currency notes. Pursuant thereto, the Applicant and other co-accused were arrested. The Applicant was found in possession of 106 fake currency notes of Rs.1,000/- and six fake currency notes of Rs.500/-. There is recovery under Section 27 of some fake currency notes at the instance of the Applicant. The Applicant has no antecedents. Prima facie, it is doubtful, whether an offence punishable under Section 489B of the IPC is disclosed in the facts of the case. Even otherwise, investigation is complete and charge-sheet is filed.

6. Considering the aforesaid, the Application is allowed and

the Applicant is enlarged on bail on the following terms & conditions:-

ORDER

- (i) The Applicant be enlarged on bail, on executing PR Bond in the sum of **Rs.1,00,000/-** with one or more sureties in the like amount;
- (ii) The Applicant shall report to the investigating officer of the concerned police station on the **1st Monday of every month** between **10.00 a.m. to 11.00 a.m.** till the conclusion of the trial;
- (iii) The applicant shall inform his latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;
- (iv) The Applicant to cooperate with the conduct of the trial;
- (v) The Applicant shall deposit his passport, if any, with the concerned Court;
- (vi) The Applicant shall not leave India without prior permission of the trial Court;
- (vii) If there is a breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the Applicant's bail.

7. The Application is allowed in the aforesaid terms and is accordingly disposed of.

8. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

Parties to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)