

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1398 OF 2016

Babu Balu Kale	...	Applicant
	Vs.	
The State of Maharashtra	...	Respondent

Ms. Madhuri N. Gaware, Advocate for the applicant.

Ms. Veera Shinde, APP, for the State.

Mr. Gaikwad, PSI D & B, CID Unit IV, Antop Hill, Mumbai, present.

CORAM: SMT.SADHANA S.JADHAV, J.
DATE : 6th March, 2017.

P.C.

Heard. This is an application under Section 439 of Cr.P.C The applicant herein is arrested in Crime No.115 of 2014 registered at Antop Hill Police Station on 22.4.2014. The investigation is completed and charge-sheet is filed against the present applicant for the offences punishable under Sections 489(B), 489(C) read with Sections 34, 120B of the Indian Penal Code and Section 15A(iii-A) read with Sections 16 and 18 of the Unlawful Activities (Prevention) Act, 1967.

2. It is the case of the prosecution that on 22.4.2014, PSI of Crime Branch lodged a report at the police station alleging therein that on 22.4.2014 at about 9.30 a.m., the police had received a secret information that there are some people who are circulating counterfeit notes. The

names of the said persons were given as Monazir and Rohit. It was also informed that they hail from Calcutta and are circulating counterfeit currency notes of Rs.1000/-. That on the basis of secret information and upon perusing of the notes given by the secret informer, the police had decided to lay a trap and accordingly, a trap was laid at Kokari Aagara Naka, Antop Hill, where the accused were to circulate counterfeit notes. The trap was successful and the police had apprehended and accosted four accused persons i.e. (i) Sanjay Sood, (ii) Rajesh Yadav, (iii) Mohd.Nazir Khan and (iv) Rohitkumar Varma.

3. In the course of investigation, counterfeit notes were found from the said persons. They were having SIM cards. The accosted persons had disclosed to the police that the present applicant is one of their associates. The SIM cards were seized and it was revealed that the present applicant was in contact with the arrested accused. On 24.4.2015, the present applicant was to circulate counterfeit notes near Dharavi, the police laid a trap and the applicant was found with 8000 counterfeit notes. The applicant was taken into custody.

4. The learned counsel for the applicant has vehemently submitted that the offence punishable under Section 489-C of the IPC is a bailable offence and as far as the offence under Section 489-B is

concerned, it is incumbent upon the prosecution to demonstrate that the applicant was in the process of circulation of the said notes. In any case, there is no explanation as to why the applicant was found at Dharavi with counterfeit currency notes. The police had nabbed the applicant just before he could circulate and had saved the damage. According to the learned counsel for the applicant, the applicant has been falsely implicated only because CDR details indicated that he was in constant contact with the accused arrested earlier.

5. The learned APP, upon instructions, submits that trial has commenced and the complainant is in the witness box. The said issue is disputed by the learned counsel for the applicant.

6. Be that as it may, the offence alleged against the present applicant is a serious offence. The applicant was arrested in a trap when he was in possession of the counterfeit currency notes and there is material on record to show that he was in constant touch with the accused who were arrested earlier for similar offence. In the facts and circumstances of the case, the applicant does not deserve to be enlarged on bail. The application being sans merits, stands rejected.

(SMT. SADHANA S.JADHAV, J.)