IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.2444 OF 2016

Abdulla Beeran Moidin ... Applicant

Vs.

The State of Maharashtra .. Respondent

Mr.Khan Fakhruddin for the Applicant
Mr.Vinod Chate, APP, for Respondent – State

CORAM: Mrs.MRIDULA BHATKAR, J.

DATED: JANUARY 24, 2017

P.C. :

1. This application is moved for bail under section 439 of the Criminal Procedure Code as the applicant/accused is prosecuted for the offences punishable under sections 489A, 489B, 489C, 489D, 489E, 201 r/w section 34 of the Indian Penal Code. One Prataprao Tukaram Kadam, Assistant Police Inspector, Crime Branch, is the complainant. It is the case of the prosecution that the police have arrested the co-accused in another offence in C.R. No.I-306 of 2016 registered at Koparkhairane Police Station, and in the investigation of the said crime, certain facts were revealed wherein it was found on verification of the same, that the co-

accused Ashish Pednekar alongwith his associate Bharat Tambe was making forged marksheets, forged passing certificates of 10th and 12th standards, bogus school leaving certificates. Thereafter, Ashish Pednekar and his other associates including the present applicant/accused i.e., Abdulla Moidin prepared forged currency of Dubai i.e., Dirham. In the course of investigation, the police seized the machinery which was used for counterfeiting the currency of Dubai from one flat in one Valleyship Cooperative Society Ltd. at Kharghar. The police thereafter apprehended the present applicant/accused on 22.8.2016. Pursuant thereto, C.R. No.245 of 2016 was registered with the Kharghar Police Station. Since then, the applicant is in the prison and hence, this Bail Application.

2. The learned Counsel for the applicant/accused has submitted that the application has not committed any offence. The applicant/accused only had some association with the principal accused Ashish Pednekar as he had shared a flat No.701 in Avalon CHS Ltd., Nerul from November, 2015 to April, 2016. He further submitted that besides this, there is no evidence against the applicant/accused.

3. Learned Prosecutor has opposed the application. He has relied on the leave and licence agreement in respect of Flat No.701, Avalon CHS Ltd which has taken place between the landlord Mr.Jaiprakash N.Jagtap and Mr.Ashish Pednekar, the applicant/accused and two other persons. He pointed out that the applicant/accused has entered into this contract in the bogus name of one Mr.Biju Thomas. He relied on the statement of the landlord Jaiprakash Jagtap so also the agent of Rajeev Patkar to that effect; wherein they have identified the applicant/accused as Biju Thomas. The learned Prosecutor submitted that the applicant/accused was alongwith the principal accused Ashish Pednekar was making bogus currency of Arab country and it was put in circulation through him.

4. Heard both sides. Perused the papers placed before me. The leave and licence agreement discloses that the applicant/accused has, in the bogus name of Biju Thomas, entered into an agreement with the landlord and stayed in the said flat alongwith the principal accused Ashish Pednekar and two other accused. This *prima facie* shows that the applicant/accused was having some association with the principal accused and other

accused. However, the police have not recovered any incriminating material from the applicant/accused when he was arrested on 22.8.2016 from his native place. Besides the agreement and the statements of the witnesses disclosing the fact that the applicant/accused was having close association with Ashish Pednekar, no other evidence is brought on record by the prosecution. On query about the past record of the applicant/accused, a statement was made by the learned Prosecutor that the applicant/accused has no criminal antecedents.

5. Under such circumstances and considering that the applicant/accused is behind the bars since 22.8.2016, I am inclined to grant bail on the following terms:

a) The applicant-accused shall be released on bail upon furnishing P.R. Bond in the sum of Rs.50,000/- (Rupees Fifty thousand only) with one or two solvent sureties in the like amount;

b) The applicant-accused shall not tamper with the evidence or pressurise the witnesses;

c) The applicant-accused shall not indulge into any criminal activity;

d) The applicant/accused shall not jump the bail and shall attend on all the Court dates;

e) The applicant-accused shall not abscond or leave India without prior permission of the Court and furnish his permanent address to the Investigating Officer alongwith documentary proof of his address.

f) In the event of breach of any of the above conditions, the prosecution will be at liberty to move the Court for cancellation of bail.

6. Bail Application is disposed of on the above terms.

(MRIDULA BHATKAR, J.)