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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

\+ BAIL APPLN. 1768/2017

VIKAS KUMAR SHARMA @ LADDI ..... Petitioner
Through: Mr.J.P.Singh, Advocate.

versus

STATE NCT OF DELHI ..... Respondent
Through: Mr.Kewal Singh Ahuja, APP for the State with SI Anand Singh, PS Special Cell, Lodhi Colony.

CORAM:
HON'BLE MS. JUSTICE PRATIBHA RANI

O R D E R

% **18.09.2017**

Crl.M.A.No.14635/2017

1. Exemption allowed subject to all just exceptions.

2. Application stands disposed of.

BAIL APPLN. 1768/2017

1. By filing the instant application under Section 439 Cr.P.C., the petitioner is seeking bail in case FIR No.37/2016 under Sections 489-B/ 489-C/120-B IPC, PS Special Cell. Later on Section 15(iii)(a) of Unlawful Activities (Prevention) Act has also been added.

2. Mr.J.P.Singh, learned counsel for the petitioner has submitted that the petitioner is in judicial custody since 19th June, 2016. The only allegation against the applicant/petitioner is about the alleged recovery of fake currency notes from his possession and at the most the offence for which the

petitioner could have been charged is under Section 489-C IPC which is a bailable offence, despite that he is in Jail for more than a year. Learned counsel for the petitioner has prayed that the petitioner may be enlarged on bail as there is no possibility of he being able to tamper with the evidence or influence the witnesses as no public witness has been joined in this case and all the prosecution witnesses are police officials.

3. Mr.Kewal Singh Ahuja, learned APP for the State has filed the status report. As per the status report, on the basis of secret information, the petitioner Vikas Kumar Sharma and co-accused Moti Lal Basak were apprehended by the raiding team. During cursory search, FICN amounting to ₹2 lakhs were recovered from the possession of petitioner and FICN amounting to ₹1 lakh were recovered from the possession of co-accused Moti Lal Basak, for which FIR No.36/2016 under Sections 489-B/489-C read with Section 120-B IPC was registered against them at PS Special Cell, Lodhi Colony.

4. Learned APP for the State has submitted that the CDRs of mobile numbers of petitioner and co-accused have been obtained and analysed which revealed that petitioner and his associates namely Moti Lal Basak, Baljinder Singh @ Lal, Mange and Vishnu were in contact with each other for the illegal business of FICN. The investigation under Section 173(8) Cr.P.C. is still pending and voice samples of suspects namely Baljinder Singh @ Lal and Manga Singh have been obtained and sent to CFSL for examination of the same with the intercepted voice of the accused persons. Learned APP for the State has further submitted that the petitioner Vikas Kumar Sharma @ Laddi was an active member of the Syndicate involved in pumping and circulating FICN printed in Pakistan being infiltrated into

India through Indo-Bangladesh Border.

5. During the course of hearing, learned counsel for the petitioner has been specifically asked as to whether charge in the matter has been framed to which he informed that the charges have been framed. The petitioner has been charged not only for being found in possession of the fake currency notes but also under other Sections i.e. for committing the offence punishable under Sections 489-B/489-C/120-B IPC and under Section 15(iii)(a) of Unlawful Activities (Prevention) Act. He also does not dispute that the order on charge has not been challenged.

6. Perusal of the chargesheet annexed with the bail application shows that after the alleged recovery of fake Indian currency notes, subscriber detail records and call detail records of mobile Nos.9781214007 (used by petitioner Vikas Kumar Sharma), 9593097009 (used by Moti Lal Basak), 8437429086 & 8557971408 (used by Baljinder Singh), 7837194428 (used by Manga), 8942858424 (used by Vishnu) were obtained and analyzed. The recovered currency notes were also sent to Government Press, Nasik, Maharashtra and as per the report of the expert, all the recovered notes were found to be high quality counterfeit notes as specified in third schedule of Unlawful Activities (Prevention) Act. Thereafter the case was handed over to Addl. DCP, Special Cell/NDR for further investigation and on transfer of Addl. DCP, Special Cell, the investigation was handed over to Addl. DCP, South. As per the chargesheet, the sanction under Section 45 of Unlawful Activities (Prevention) Act to prosecute accused Vikas Kumar Sharma and Moti Lal Basak was also obtained vide F.No.8/182/2016/HP-II/7670-75 dated 18th November, 2016.

7. Keeping in view the alleged recovery of high quality fake Indian currency notes of ₹1,000/- denomination, the CDRs showing his contact with other co-accused persons and his active role pursuant to the alleged conspiracy to destabilise the Indian economy, make the nature of the offence so grave that I do not find it to be a fit case to enlarge the petitioner on bail at this stage. Prayer rejected.

8. The bail application is dismissed.

PRATIBHA RANI, J.

SEPTEMBER 18, 2017
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