

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.1030 OF 2018

Akhlaque Abdul Latif Ansari
Age 31 years, Occ.Service,
R/o.Abdul Shakur Mansion, 3rd Floor,
Dhobi Mohalla, Bhiwandi City.

Applicant

Versus

The State of Maharashtra

Respondent

Mr.J.B.Mishra for applicant.
Ms.A.A.Takalkar, APP, for State.
Mr.J.A.Shaikh, API, Bhiwandi City Police Station, present.

CORAM : PRAKASH D. NAIK, J.

DATE : 28th August 2018

PC :

1. The applicant is arrested on 14th December 2017 in connection with CR No.I-410/2017 registered with Kumbharwada Police Station, Bhiwandi. The offences were registered under Sections 489B, 489C of Indian Penal Code.

2. The prosecution case is that the applicant-accused was found in possession of two fake currency notes of Rs.2,000/-. When confronted, he started running. The applicant was trying to use the said notes for purchasing goods from the street vendor. On interrogation it is disclosed by him that the notes were handed over to him by accused no.2. On furnishing the said information accused no.2 was called at the spot, who immediately visited the said spot.

On inquiry with him the accused no.2 disclosed that the notes were handed over to him by accused no.3. Accused no.2 was arrested. Subsequently accused no.3 was also apprehended. During the course of investigation it was found that accused no.3 was involved in preparing fake currency notes and several articles which are used for preparing the counterfeit notes were recovered from him. Both the said accused are in custody.

3. Learned advocate for applicant submits that the applicant has no connection with accused no.3. He was handed over currency notes by accused no.2. The applicant had no knowledge that notes were fake. He genuinely tried to utilize the said notes for purchasing the articles. The fact that he handed over certain note indicated that he had no knowledge of the fact that note is fake.

4. Learned APP submitted that the applicant started running after he was confronted and when it was found that he was carrying fake currency notes. It shows that he was aware of the nature of currency notes and he was trying to use the said currency. It is noted that the case of the prosecution is that accused no.3 was involved in preparing said notes. The source of currency notes as far as applicant is concerned is accused no.2 who was called at the instance of applicant and who visited the spot and even accused no.2 disclosed that he was being handed over the notes by accused no.3. Learned APP on instructions submits that name of applicant and accused no.3 was verified and it was noticed that they are not brothers, although by co-incidence name of father and surname of applicant and accused no.3 appears to be similar. Investigation is complete and charge sheet is filed. The applicant is in custody from

14th December 2017. There are no antecedents against applicant. Taking into consideration above circumstances, case for grant of bail is made out.

5. Hence, I pass following order :

ORDER

- (i) Criminal Bail Application No.1030 of 2018 is allowed;
- (ii) The applicant is directed to be released on bail in connection with CR No.I-410 of 2017 registered with Kumbharwada Police Station, Bhiwandi on furnishing PR bond in the sum of Rs.20,000/- with one or more sureties in the like amount;
- (iii) The applicant shall report the investigating officer of Kumbharwada Police Station, Bhiwandi once in a month on every first Saturday between 10 a.m. and 12 noon till further orders.

(PRAKASH D. NAIK, J.)

MST