

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

CRIMINAL BAIL APPLICATION NO.2266 OF 2018

Irfan Suffiyan Khan	.. Applicant
Vs.	
State of Maharashtra	.. Respondent

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Mr.Gautam Jain i/b. Mr.F.N. Momin, Advocate for the Applicant.
Mr.Arfa Sait, APP for the Respondent – State.
Mr.P.P. Bangosavi, API, Chitalsar Police Station, present.

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CORAM : PRAKASH D. NAIK, J.

DATED : OCTOBER 25, 2018.

P.C. :

This is an application for bail in connection with C.R.No. I-230 of 2017, registered with Chitalsar Police Station, Bhiwandi, District-Thane, for the offences punishable under Section 489 (A), (B), (C) & (D), of Indian Penal Code (“IPC”, for short). Applicant was arrested on 29th September, 2017.

2 The prosecution case is that on 29th September, 2017, police received information that one person standing near Nityand Hotel is in possession of counterfeit currency note and he is likely to use the same as genuine. It is further alleged that

trap was arranged and the applicant accused was arrested. He was found in possession of five currency notes of Rs.500/- denomination. First Information Report was lodged and investigation proceeded. During the course of investigation, printer was recovered at the instance of the applicant. Fake currency notes were also recovered from the premises of his residence. On completing investigation, charge-sheet is filed.

3 Learned counsel for the applicant submitted that the prosecution case at the most fall under Section 489(C) of IPC, which is bailable. There is no evidence to show that the applicant was trying to use the said currency notes. The other Penal Sections for which severe punishment is referred are not attracted in this case. On the basis of recovery of printer from the premises shown by the applicant, no inference can be drawn that he was involved in preparing the counterfeit notes. There is no evidence that the applicant has used the said currency notes. He is in custody from the date of arrest. On completing investigation, charge-sheet is filed against the applicant. His further detention is not necessary.

4 Learned APP submitted that on receipt of

information, the applicant was apprehended. He was found in possession of fake currency notes of Rs.500/- denomination. The said notes were sent for examination and the opinion has been received, which shows that the notes were counterfeit. It is submitted that the statement of Chotu alias Hosilkumar Dhanilal Sonkar was recorded by the investigating officer, which indicate that the applicant had earlier used the fake currency notes with him. It is submitted that the charge-sheet is filed for the aforesaid offences. There is recovery of printer at the instance of the applicant. Thus, the applicant has also contravened the provisions of Section 489 A, B and D of IPC. Whether the accused was intending to use the currency notes or not would depend upon the facts of the case and it would be established at the time of evidence. He further relied upon the judgment of the Division Bench of this Court in the case of **Kiran Kumar K. Khanda Vs. State of Maharashtra**¹. It is submitted that the memorandum statement of the applicant accused led to recovery of printer and 124 fake currency notes of Rs.500/- denomination were recovered from the room. This indicates that the applicant was involved in the crime. It is further submitted that the applicant has committed a serious crime, bail may not be granted to him.

1 2011 CRI. L.J. 2748

5 On perusal of the charge-sheet, it is apparent that the applicant was initially found in possession of three currency notes of Rs.500/-, denomination, which were sent for examination in the Currency Note Press and the report indicates that the said notes are not genuine and the said notes are computer manipulated prints. It is also pertinent to note that the printer was recovered at his instance from the premises which was allegedly used for preparation of fake currency notes. 124 currency notes of Rs.500/-, denomination were also recovered from the said premises. Taking into consideration the nature of evidence against the applicant, no case for grant of bail is made out. Hence, the Bail Application is rejected.

(PRAKASH D. NAIK, J.)