

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

BAIL APPLICATION NO. 2426 OF 2017

Halim Jabbar Shaikh & ors.	... Applicants.
Versus	
The State of Maharashtra.	... Respondent.

Mr. Ashish Sudhakar Sawant, advocate for Applicant.

Mr. Ajay Patil, APP for State.

Mr. Sachin B. Patre, PSI, Vairag Police Station, Solapur.

**CORAM : SMT.SADHANA S. JADHAV,J
DATE : JANUARY 11, 2018**

P.C.:

- 1 Heard Counsel for the applicants and the learned APP for State.

- 2 This is an application under section 439 of the Code of Criminal Procedure, 1973. The applicants herein are arrested on 10/6/2016 in C.R. No. 135 of 2016 registered at Vairag Police Station, Taluka Barshi, District-Solapur. Investigation is completed and charge-sheet

is filed against the applicants for offence punishable under Section 489(B), 489(C) read with Section 34 of the Indian Penal Code.

3 It is the case of the prosecution that on 10/6/2016 Police Naik Ramchandra Bansode lodged a report at the police station alleging therein that he had received secret information from village Vairag Police Station that 3 to 4 persons are moving around in the market exchanging notes and seeking change of the denomination of Rs. 1000/- and 500/- notes. The police had suspected the same and had intercepted the present applicants. The applicants were found in possession of 20 notes of 1000 denomination and 5 notes of 500 denomination. Said notes were fake. Police Naik lodged a report and had taken applicants into custody.

4 In the course of investigation, it had transpired that the present applicants were accosted in a similar offence i.e. were charge-sheeted in C.R. No. 193 of 2015 registered at Thane Nagar Police Station. The applicants were enlarged on bail in the month of March, 2016

and the present offence is committed in June, 2016. In the earlier offence, the applicants are facing trial in R.C.C. No. 9 of 2016 pending before Thane Court. It is an economic offence. Taking into consideration that the applicants are involved in similar offence earlier and are charge-sheeted for the same, the applicants do not deserve to be enlarged on bail.

5 The learned Counsel for the applicant has vehemently submitted that the applicants were found in possession of just 25 notes of fake denomination. Earlier offence was registered at Thane whereas the present case is registered at Vairag. It is also submitted that the applicant No. 2 is hardly 25 years old and that they would abide by any or all conditions imposed upon them, in the event of grant of bail.

6 The said submission does not inspire confidence in view of the fact that they had committed breach of the earlier order granting them bail. Hence, applicant does not deserve to be granted bail.

7 However, it is made clear that the observations made hereinabove are prima facie and restricted to the application under section 439 of Code of Criminal Procedure, 1973. The trial Court shall not be influenced by the same at the time of trial.

8 Hence, the application being sans merits stands rejected and disposed of accordingly.

(SMT. SADHANA S. JADHAV,J)