

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

**CRIMINAL BAIL APPLICATION NO. 689 OF 2019**

|                          |     |            |
|--------------------------|-----|------------|
| Ifteyar Sher Khan        | ... | Applicant  |
| V/s.                     |     |            |
| The State of Maharashtra | ... | Respondent |

- Mr. Shikar G. Kudle for the Applicant.
- Mrs. G. P. Mulekar, APP for the Respondent.

**CORAM : PRAKASH D. NAIK, J.**

**DATE : 6<sup>th</sup> MARCH, 2019.**

**P.C. :**

1] This is an application for bail in connection with C.R. No. I-595 of 2018 registered with Mumbra Police Station. The offences were registered vide FIR dated 4<sup>th</sup> November, 2018, under Sections 489(B) and 489(C) read with 34 of the Indian Penal Code. The FIR was lodged by the Police Constable alleging that while petrolling he noticed that one person was apprehended by the members of public. The shopkeeper informed that the accused had presented note of Rs.100/- to the shopkeeper for purchasing cigarette worth Rs.15/- and hence, he was apprehended on suspicion of that he is using face currency note. His associate has ran away from the place of incident. The statement of the shopkeeper was, however, recorded after 10 days of FIR. The currency note of other denomination were also recovered

from the possession of the Applicant. The said notes were apparently genuine. The currency note of Rs.100/- was tested and found to be a fake.

2] Learned counsel for the Applicant submitted that there is delay of 10 days in recording the statement of the shopkeeper, where the note was allegedly used for purchasing cigarette. The Applicant had been falsely implicated in this case. The knowledge of carrying a fake currency note cannot be attributed, as he was found in possession of only one note, which is allegedly fake and other notes are genuine.

3] Learned APP, however, submitted that conduct of the Applicant was suspicion. He tried to runaway from the place of incident. His associate had managed to flee from the place of the incident. He was in possession of the other currency notes, but utilized the fake currency note.

4] Admittedly, the Applicant was in possession of one note, which is allegedly fake having denomination of Rs.100/-. The statement of the shopkeeper where the note was used was recorded after the period of 10 days. There is no other evidence that the Applicant is in possession of other fake currency note and he had been utilizing such notes. Whether the Applicant had knowledge that the note was fake and he was deliberately

using the same, it would be decided at the time of trial. The Applicant is in custody from 4<sup>th</sup> November, 2018. The investigation is completed and the charge-sheet is filed. He is not having any criminal antecedents. In this circumstances, bail can be granted to the Applicant.

5] Hence, following order.

**:: ORDER ::**

- (i) Bail Application No. 689 of 2019 is allowed.
- (ii) The Applicant is directed to be released on bail in C.R. No. I-595 of 2018 registered with Mumbra Police Station, on his furnishing the P.R. Bond in the sum of Rs.25,000/-, with one or more sureties in the like amount.
- (iii) The Applicant shall report to the concerned Police Station once in a month on first Saturday of the month between 11.00 am to 01.00 pm till further order.
- (iv) The Applicant is permitted to furnish cash security of Rs.25,000/- for the period of six weeks.

**[PRAKASH D. NAIK, J.]**