

nsc.

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

CRIMINAL BAIL APPLICATION NO.33 OF 2020

Saddam Salim Havaladar

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. V. J. Bhanushali, for the Applicant.

Ms. P. P. Shinde, A.P.P for the Respondent - State.

PSI – Sharad R. Nimle, M.I.D.C. Police Station, is present.

CORAM : REVATI MOHITE DERE, J.

DATE : 3rd MARCH, 2020

P.C. :

1. Heard learned counsel for the parties.
2. By this second bail application, the Applicant seeks his enlargement on bail in connection with C.R.No.479 of 2018 registered with the M.I.D.C. Police Station, Mumbai, for the alleged offences punishable under Sections 489B, 489C r/w 34 of the Indian Penal Code.
3. Learned Counsel for the applicant submits that there is no material in the entire charge-sheet to show any attempt was made by the

applicant to circulate the counterfeit notes so as to attract the provisions of Section 489B of the Indian Penal Code. He submits that the applicant was found in possession of the counterfeit notes and as such Section 489C of the Indian Penal Code will be applicable, which offence is bailable.

4. Learned APP does not dispute the same.

5. Perused the papers. On 12th October, 2018 a trap was laid pursuant to the secret information that certain persons were carrying counterfeit notes. The applicant was apprehended at the spot and found in possession of the counterfeit notes. *Prima facie*, it appears that only Section 489C of I.P.C. will be applicable. Even otherwise whether or not the offence would be one under Section 489B or not, is a matter which will be decided by the trial Court.

6. Considering the aforesaid, the application is allowed on the following terms and conditions:-

ORDER

(i) The Applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.15,000/- with one or two local sureties in the like amount;

(ii) The Applicant shall attend the concerned Police Station, on the first Saturday of every month, between 10:00 a.m. to 11:00 a.m., till the conclusion of the trial;

(iii) The Applicant shall inform his latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the trial Court as well as to the concerned Police Station, in writing;

(iv) The Applicant shall not leave the jurisdiction of Mumbai and Thane City, without the permission of the trial Court;

(v) The Applicant shall not contact the complainant, witnesses or any person concerned with the case;

(vi) The Applicant shall co-operate in the conduct of the trial and shall attend the trial Court on every date of hearing and shall not impede the conduct of the trial;

(vii) An undertaking to the aforesaid clauses (ii) to (vi), shall be filed by the Applicant, in the Registry of the trial Court, within two week's of his

release;

(viii) It is made clear, that if there is breach of any of the conditions as stated above, the prosecution shall be at liberty to seek cancellation of Applicant's bail.

7. The Application is allowed and disposed of in above terms.

8. It is made clear, that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

9. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.