

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.2449 OF 2019

Sohail Salim Shaikh, Age 21 years,
R/o.Gandhinagar Basti, Shivaji Vidyalaya Marg,
Dehu Road, Pune (Presently in jail)

Applicant

versus

The State of Maharashtra

Respondent

Mr.Satish Upadhyay for applicant.

Mr.H.J.Dedhia, APP, for State.

CORAM : PRAKASH D. NAIK, J.

DATE : 28th January 2020

PC :

1. This is an application for bail in CR No.20 of 2019 registered with Samarth Police Station, Pune for offences under Sections 489(B),(C) of IPC. Subsequently the offences were also invoked u/s.489A and 489D. The FIR was lodged on 21st January 2019.

2. The prosecution case is that the information was received by Police on 21st January 2019 that one person is in possession of counterfeit note. Police found the applicant in suspicious condition. He was apprehended. Seven counterfeit currency notes of Rs.200/- each were allegedly recovered from his possession. The panchanama was recorded. Subsequently the accused led the investigating agency to his residence and from there printer was recovered. There were four white paper sheets with prints of single digit currency notes of Rs.200/- each. On completing investigation charge sheet is filed.

3. Learned advocate for applicant submitted that the applicant is young boy having no criminal antecedents. His father had borrowed loan to purchase the printer for him few days ago. He was working as RTO agent. The applicant is not involved in using counterfeit notes. Assuming that four white paper sheets were recovered from the applicant with print of notes, the said prints cannot be determined as fake currency notes. All those notes were bearing same digits. The report received from Currency Press mentions that the notes allegedly recovered from the applicant, did not have basic requirements. The applicant may be put to terms and conditions.

4. Learned APP submitted that the applicant was found in possession of counterfeit currency. There is recovery of printer with four white paper sheets bearing printed notes. On the previous day the applicant had used counterfeit notes. Thus, the applicant is liable to be prosecuted for the offence u/s 489 A,B,C and D of IPC.

5. The applicant was apprehended on 21st January 2019 on the basis of alleged information received by police. While he was apprehended, he was not found using the currency notes. It is alleged that seven counterfeit notes of Rs.200/- each were recovered from his pant pocket. The Currency Press has submitted report in respect of said currency. In the said report it is mentioned that the said notes were compared with genuine notes and it was revealed that the length, width, design, thickness, watermark, security thread etc varies with the genuine notes. There is no evidence that the applicant printed the notes himself and the same were used by him. The prints which were found at his residence also cannot be called as counterfeit notes. The prints were appearing on fullscap paper

having same digit number. The prosecution is relying upon the statement of witness Smita Bhosale recorded on 22nd February 2019. She has stated that on the previous day the applicant had handed over fake note of Rs.200/-, however, she has not produced the note stating that she had destroyed the same. Thus, there is no authentic evidence that the applicant was using fake notes. There are no antecedents against him. He is in custody since last one year. In the circumstances, bail can be granted to the applicant on terms and conditions.

6. Hence, I pass following order :

ORDER

- (i) Criminal Bail Application No.2449 of 2019 is allowed and disposed of;
- (ii) The applicant is directed to be released on bail in connection with CR No.20 of 2019 registered with Samarth Police Station, Pune, on furnishing PR bond in the sum of Rs.25,000/- with one or more sureties in the like amount;
- (iii) The applicant shall report Samarth Police Station, Pune once in a month on every first Saturday between 11 am and 1 pm till conclusion of trial;
- (iv) The applicant shall attend Trial Court proceedings regularly, unless exempted for some reason by the Trial Court;
- (v) The applicant shall not tamper with prosecution evidence;
- (vi) The observations made in this order are prima facie for considering application for bail and Trial Court shall not be influenced by it.

(PRAKASH D. NAIK, J.)