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IN THE HIGH COURT OF DELHI AT NEW DELHI

Reserved on: 10.07.2020

Pronounced on: 16.07.2020

+ BAIL APPLN. 748/2020

UNWAN AMROHI

..... Petitioner

Through Mr. Sudhir Nandrajog, Sr. Adv. with
Mr. Manish Kumar Singh, Adv.

versus

STATE

..... Respondent

Through Mr. Izhar Ahmad, APP for the State
with SI Amit Kumar, Special Cell,
Lodhi Colony

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

J U D G M E N T

1. The instant bail application has been filed on behalf of the petitioner for grant of regular bail in pursuance to FIR No.230/2019 dated 19.12.2019 registered at Police Station Special Cell for the offences punishable under sections 489-A/489-D/120-B/34 IPC & 25 Arms Act.

2. Mr.Sudhir Nandrajog, learned senior counsel appearing on behalf of the petitioner submits that FIR in question was registered on 19.12.2019 and petitioner/accused was arrested on 23.12.2019 by the police officials of

Police Station Special Cell. He was taken for five days of Police Custody remand during which petitioner fully cooperated, however, nothing has been recovered from the possession of the petitioner or at his instance. Thus, the recovery shown by the police officials are planted.

3. Learned senior counsel further submits that the alleged recovery is neither Fake Indian Currency Notes (FICN) nor Fake US currency notes (F-US-CN), however, the same are the normal photocopies on normal daily use papers. The serial number of these photocopies of alleged currency notes were same and only with single serial number. Moreover, the said alleged recovery of photocopies of currency notes are more than 70% single side photocopies with same serial number. Neither the petitioner has designed nor has printed any FICN, however, all the alleged recovered photocopies of Currency Notes are normal Xerox copies from the general photocopy machine and not from any printing machine. The petitioner has no concern and connectivity with co-accused, however, he was arrested three days after registration of the FIR and arrest of the three other accused persons in the present case.

4. Learned counsel further submits that the present case does not fall under section 489-A/489-D IPC. Moreover, the alleged recovered weapons

are planted by the police officials. In addition to above, the petitioner is in judicial custody since 23.12.2019, who is aged about 32 years having family and minor children. However, learned ASJ while dismissing bail application has ignored the above said facts and passed the orders in a mechanical manner.

5. On the other hand, Mr. Izhar Ahmad, learned APP for State while opposing the present petition submitted that an input was received that a Dubai based Pakistan native namely Shah Sahab was likely to pump fake Indian currency notes in the country. The secret information further stated that Asif, who is in Dubai, is managing the network of pumping FICN in India through Unwan, (petitioner herein) and Akbar @ Khursheed & others. It also surfaced that this syndicate of FICN is being run with the aid of a foreign based syndicate in India, at interstate level and name of a few suspects, viz. Tabrez, Unwan & Akbar @ Khursheed, were surfaced.

6. Learned APP further submits that during investigation, on 20.12.2019, three persons were apprehended near Laxmi Nagar, Delhi, from whose possession FICN was recovered, details of the same are as under:

S. No.	Particulars	Recovery effected
1.	Raghuraj Singh S/o Shishpal R/o Bichatt-Sujanpur, Post-Khas, Distt.- Bulandsher, U.P. Receiver of FICN	Rs.2,00,350/- FICN
2.	Tabrez Ahmed S/o Lt.Shammi Ahmed, R/o 2 nd Floor, above SBI & ICICI ATM, Near Anar Wali masjid, Kishan Kunj, Laxmi Nagar, Delhi Kingpin associated in printing & circulation of FICN	Rs.44,000/- FICN Rs.50,000/- (Genuine)
3.	Tahir Shoaib S/o Alumiddin R/o kC-45, Gali Central Bank, New Seelampur, Delhi-53. Accused associated in financing & providing space for setup for FICN.	Rs.48,000/- FICN

7. Learned APP further submits that another accused namely (4) Danish Malik of Delhi arrested on 22.12.2019, who worked as a designer of FICN. During police custody, on the instance of above-named accused, FICN and printers were recovered from his house. Later, on the instance of accused Tabrez Ahmed, recovery of laptop was effected from his rented accommodation, in which Danish used to design the FICN. On 22.12.2019, subsequent recovery was made on Shoaib's instance from his house i.e. C-47, New Seelampur, Delhi, amounting to Rs.25,000/- (FICN). The room which he pointed-out as printing room of FICN, got sealed as it was cleaned

for the purpose of destruction of evidence. Later, this room got inspected by forensic experts from CFSL/CBI and report in this regard is still, awaited.

8. He further submits that on 23.12.2019, petitioner was arrested and at his instance, FICN, fake US currency notes and illegal arm-ammunition were recovered from his house. The brief details of recovery effected are as under:

S.No.	Particulars	Recovery effected
5.	Unman Amrohi @ Wan Ansari S/o Anis Amrohi @ Anis Ansari R/o 4855/24, 4 th Floor, Daryaganj, Delhi-02. Accused associated in printing and possession of FICN.	Rs.51,75,000/- FICN (denomination of 500 & 2000) Rs.16,75,000/- F-US-CN (denomination of 100)
		Two country made pistols with four live ammunitions.

9. He further submits that on the instance of petitioner, recovery of printer-cum-scanner was also effected from his house. During investigation, it surfaced that petitioner was himself printing the fake currency notes and using them for deception and it is apparent that the recovery effected from him can easily cause deception and thereby may cause undue advance to any reasonable person. A printer-cum-scanner was also recovered from his house on his instance and that forms a part of processing of counterfeit

currency notes and as such, ingredients of section 489-A/489-C/489-E were very much attracted towards his act, besides section 25 Arms Act. Thus, the present petition deserves to be dismissed.

10. As stated by learned APP, kingpin of the racket has been operating the fake currency notes syndicate from Dubai and petitioner herein is in fact the printer of the said FICN syndicate. Apart from Fake Indian Currency Notes (FICN) of Rs. 52 Lacs, US Dollar (FUSCN) of Rs. 17 lacs have also been recovered from the possession of the petitioner.

11. Though Mr.Nandrajog, learned senior counsel has argued that the alleged recovery of FICN has been planted on petitioner, however, the case of the petitioner is not that the police officials have an enmity with the petitioner and other co-accused due to which they have been implicated falsely in the present case.

12. It cannot be disputed that FICN is affecting the economic fabric of the country and needs to be tackled severely.

13. In the case of *State of Gujarat vs. Mohan Lal Jitmalji Porwal & Ors.:* (1987) 2 SCC 364, wherein the Hon'ble Supreme Court has held as under:

"The entire Community is aggrieved if the economic offenders who ruin the economy of the State are not brought to books. A murder may be committed in the heat of moment upon passions being aroused. An economic offence is committed with cool calculation and deliberate design with an eye on personal profit regardless of the consequence to the Community. A disregard for the interest of the Community can be manifested only at the cost of forfeiting the trust and faith of the Community in the system to administer Justice in an even handed manner without fear of criticism from the quarters which view white collar crimes with a permissive eye unmindful of the damage done to the National Economy and National interest"

14. He also relied upon the case of ***Y.S. Jagan Mohan Reddy vs. CBI: (2013) 7 SCC 439***, Hon'ble Supreme Court has held as under:

"15) Economic offences constitute a class apart and need to be visited with a different approach in the matter of bail. The economic offence having deep rooted conspiracies and involving huge loss of public funds needs to be viewed seriously and considered as grave offences affecting the economy of the country as a whole and thereby posing serious threat to the financial health of the country.

While granting bail, the court has to keep in mind the nature of accusations, the nature of evidence in support thereof, the severity of the punishment which conviction will entail, the character of the accused, circumstances which are peculiar to the accused, reasonable possibility of securing the presence of the accused at the trial, reasonable apprehension of the witnesses being tampered with, the larger interests of the public/State and other similar considerations."

15. Thus, it can be firmly stated that economic offences are required to be treated as a separate class and bail cannot be granted as a matter of routine.

16. In the present case, keeping in mind the recovery from the petitioner of huge amount of FICN, FUSCN, printers, arms and other materials, the case of the prosecution cannot be disbelieved.

17. It is pertinent to mention here that the prosecution has relied upon FICN and FUSCN printed on both sides as evidence and not on single side printed notes.

18. In view of the facts of the present case and the settled law in such nature of offences, without commenting on the merits of the case, I am of the considered view that petitioner does not deserve bail at this stage.

19. The petition is, accordingly, dismissed with no order as to costs.

20. The Trial Court shall not get influenced by the observations made by this Court while passing the order.

(SURESH KUMAR KAIT)
JUDGE

JULY 16, 2020
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