IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.982 OF 2022

Moin Mukhtar Ahmed .. Applicant

Versus

The State of Maharashtra .. Respondent

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Mr. Vivek Chauhan for the Applicant.

Mr. S.H. Yadav, A.P.P. for the State/Respondent.

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CORAM: BHARATI DANGRE, J.

DATED : 1st AUGUST, 2022

P.C:-

1. The applicant is charge-sheeted for the offence punishable under Section 420 read with Section 34 of the IPC in connection with C.R. No.612 of 2021 registered with Manpada Police Station. He came to be arrested on 26/10/2021.

2. The complainant lodged a report to the concerned Police Station alleging that his driver along with his cousin brother came to him on 20/10/2021 and informed him that they had met an unknown person, who has disclosed his name as Parveen, who disclosed to them, that he is in possession of 10,000 U.S. Dollar, which on conversion into Indian currency, would be to the tune of Rs.7,50,000/-, but since he is a resident of Bangladesh and is not possessing Indian Passport, it was not possible for him to exchange the currency in India. He, therefore,

offered to exchange the Dollar, with him for Rs.3,00,000/-.

3. On receipt of the proposal, the complainant was elated and agreed to meet said Parveen. As per the information given, a meeting was arranged and when the complainant went there along with his driver at Manpada road, the unknown person referred to as a Parveen, showed one currency of 20 U.S. Dollar, which made the complainant to believe in his proposal. The complainant has arranged for an amount of Rs.3,00,000/- and when he went to meet accused no.1 and offered the amount, in exchange, he was handed over a bag, by stating that it contained U.S. Dollars. It is the allegation in the complaint that at that time two unknown persons were also present and, while accused no.1 was showing them the U.S. Dollar, the two unknown persons took away the amount of Indian currency from his hand and the bag was handed over to him.

It was then noticed that the U.S. Dollars were not real and could not be exchanged, as it was fraudulent currency.

4. On completion of the investigation, the charge-sheet has been filed against three accused persons and one of the accused/ unknown person named as Parveen is not yet arrested.

5. When the learned APP was asked whether the applicant has been subjected to Test Identification Parade at the instance of the complainant, the answer is in the negative. In any case, when the FIR is read, the role attributed to the two unknown persons is minimal, being their presence and accepting the amount of

Rs.3,00,000/-, on behalf of Parveen. The mastermind appears to be accused no.1, who is not yet arrested.

Further, the charge-sheet reveal that 12 US Dollars were found in the search of the accused, but there is no material compiled in the charge-sheet to reflect that the said US Dollar forms part of the currency, which was contained in the bag.

6. On investigation being complete and the charge-sheet filed, and the material have been compiled therein and the main accused being absconding, the applicant deserve his release on bail, as he cannot be further incarcerated.

The observations made above, are *prima facie* in nature, and limited for the purpose of the deciding of the present bail application.

Hence the following order is passed.

ORDER

(a) Application is allowed.

(b) Applicant – Moin Muktar Ahmed shall be released on bail in connection with C.R.No. 612/2021 registered at Manpada Police Station on furnishing P.R. bond to the extent of Rs.25,000/- with one or two local sureties of the like amount.

(c) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer. The Applicant should not tamper with evidence.

(d) The applicant shall mark his attendance to the concerned Police Station on every Monday of the month, till framing of charge.

(e) On being released on bail, he shall furnish his contact number and the temporary/permanent address of his residence to the Investigating Officer.

(SMT. BHARATI DANGRE, J.)