

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

BAIL APPLICATION NO. 3408 OF 2022

Sherali @ Shere Ali Mohd Irfan Siddiqui	...Applicant
Versus	
The State Of Maharashtra	...Respondent

**WITH
BAIL APPLICATION NO. 1424 OF 2022**

Salman S/o Rajiullah Khan	...Applicant
Versus	
State Of Maharashtra	...Respondent

Mr. Mithilesh Mishra i/b Agastya Desai for applicant in BA No. 3408 of 2022.

Ms. G.P. Mulekar, APP for State in BA No. 3408 of 2022.

Mr. R V Sipahimalani for applicant in BA No. 1424 of 2022.

Mr. N.B. Patil, APP for State in BA No. 1424 of 2022.

API Jayadip Jadhav, DCB-CID, UNIT-5, Kurla is present in BA No. 1424 of 2022.

CORAM: M. S. KARNIK, J

DATED: DECEMBER 21, 2022

PC:-

1. Heard learned counsels for the applicants and learned APPs for State.
2. These are applications for bail for the offence punishable under sections 489(B)(C) and 34 of the Indian Penal Code, 1860

in connection with C.R. No. 92 of 2021 registered with DCB CID Unit-5.

3. The applicant - Sherali was arrested on 02/12/2021. According to the prosecution, the raiding party comprising of crime branch, Mumbai as well as Pant Nagar Police station apprehended the main accused Salman Rajiullah Khan with counterfeit notes of various denomination of Rs.2,26,100/-. It is contention of the prosecution that the accused Salman would hand over the counterfeit notes to the applicant Sherali who in turn would use fake notes as genuine in some hotel and in pan shop. It is alleged by the prosecution that the applicant took Investigating Officers to the said hotel and pan shop.

4. So far as the applicant – Sherali is concerned, no counterfeit notes were found in his possession nor is there any material to indicate that he has used the counterfeit notes as genuine, except for his statement. There is no recovery at his instance. The applicant is in custody for more than one year. The charge-sheet has been filed and the investigation is complete. There are no criminal antecedents reported against the applicant. In such circumstances, the applicant – Sherali @ Shere Ali Mohd Irfan Siddiqui can be released on bail. Hence,

the following order.

ORDER

(a) The applicant – Sherali @ Shere Ali Mohd Irfan Siddiqui in connection with C.R. No. 92 of 2021 registered with DCB CID Unit-5, shall be released on bail on furnishing P.R. bond in the sum of Rs 25,000/- with one or more sureties in the like amount;

(b) The applicant shall report to the DCB CID Unit-5, once in a week i.e. on every Sunday between 10.00 a.m. and 12.00 noon and thereafter, as and when called;

(c) On being released on bail, the applicant shall furnish his contact number and residential address to the Investigating Officer and shall keep him updated, if there is any change;

(d) 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 and should not tamper with evidence.

BAIL APPLICATION NO. 1424 OF 2022

5. Since, this Court has released the co-accused Sherali @ Shere Ali Mohd Irfan Siddiqui on bail, learned counsel for the applicant seeks leave to withdraw the application with liberty to

approach the Sessions Court for filing fresh application under the changed circumstances.

6. The application is allowed to be withdrawn with the liberty as prayed for.

7. Both applications are disposed of accordingly.

(M. S. KARNIK, J.)