

Darshan Patil

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

BAIL APPLICATION NO. 1675 OF 2022

Muzammil M. Surve	..Applicant
VS.	
The State of Maharashtra	..Respondent

Mr. Amrut Joshi a/w Mr. Premal Krishnan, Preston Dias and Prashant Bothre i/b Pan India Legal Services LLP for applicant.

Mr. S.V. Gavand, APP for State.

Mr. Mahesh Kawale, PSI, ACC Crime Branch, Thane City.

CORAM : M. S. KARNIK, J.

DATE : NOVEMBER 22, 2022

P.C. :

1. This is an application for bail in respect of offence punishable under Sections 489(A), 489(B), 489(C), 489(D), 120-B and 34 of the Indian Penal Code, 1860 registered with Mumbra Police Station, vide C.R. No. 923 of 2020. The First Information Report (hereafter "FIR", for short) was lodged at the instance of complainant - Mr. Sanjay Nandkumar Bhiwankar, the Deputy Sub-Inspector of Police, Anti Extortion Bureau, Crime Branch, Thane, on information

received at 23:42 Hours of 17/11/2020.

2. The applicant was arrested on 18/11/2020. The charge-sheet has been filed on 14/01/2021 and the applicant has been arraigned as Accused no.1. The other applicants are Mr. Mujjafar Pawaskar as Accused no.2, Mr. Pravin Parmar as Accused no.3 and Nasreen Kazi as Accused no. 4. Learned counsel for applicant submitted that the applicant was first arrested and thereafter the FIR was registered against him which is a procedure contrary to law. It is further submitted that it is Accused no.3 from whose house the printer and scanner was recovered and that applicant has no connection with the Accused no.3. Learned Counsel submitted that the earlier Bail Application bearing No.2413 of 2021 post chargesheet filed before this Court, was withdrawn by the applicant seeking liberty to approach the Trial Court due to change in circumstances. Learned Counsel submitted that the investigating agency failed to preserve and produce CCTV footage of the police station as well as CDR records. He submits that the police have taken a bold stand that no CCTV records were preserved, even

though not even a year has passed for the alleged incident, which is contrary to the law laid down. Learned Counsel submitted that assuming without admitting there is some material against the applicant, the same pertains only to the possession of counterfeit currency. According to him, the manner in which the arrest has been made and failure to preserve the CCTV footage goes to show that the investigating agency has levelled false charges against the applicant. The Learned Counsel relied upon the decisions of this Court in the cases of **Amit Krupaldas Walwani Vs. The State of Maharashtra**¹, **Javed Shaikh Khalil Shaikh Vs. The State of Maharashtra**² and **Alka Rohidas Kshirsagar Vs. State of Maharashtra**³ in support of his submission that mere allegations of possession of counterfeit currency is a good ground for release on bail. It is further submitted that not even the charge has been framed by the Trial Court and the Trial will take a long time to commence. Learned Counsel relied upon the decision of the Supreme Court in the case of **Ashim Vs. National**

1 Bail Application No.1293 of 2018

2 Bail Application No.206 of 2019 (Aurangabad Bench)

3 Criminal Bail Application No.2502 of 2019

Investigation Agency⁴ to submit that deprivation of personal liberty without ensuring speedy trial is not consistent with the Article 21 of the Constitution of India.

3. Learned APP, on the other hand submitted that counterfeit currency of different denominations amounting to Rs. 4,52,000/- were found on the person of the applicant. The printer on which counterfeit notes are allegedly printed along with other materials was recovered from the Accused no. 3. Learned APP relied upon the statement of Ms. Sabah Mujjafar Pawaskar the wife of Mr. Mujjafar Pawaskar - Accused no. 2 to demonstrate that the allegations against the applicant are serious and to show the complicity of the applicant alongwith Accused No.3 in printing the counterfeit currency.

4. The counterfeit currency of substantial value is seized from the applicant. There are specific allegations against the applicant and accused as regards conspiracy of false and fabricated currency notes. The application for bail bearing No.2413 of 2021 dated 27/07/2021 filed by the applicant pursuant to the filing of the charge sheet was

4 Criminal Appeal No.1525 of 2021 (Supreme Court)

allowed to be withdrawn by this Court with liberty to approach the Sessions Court, as according to the applicant there was change in circumstances. The Sessions Court rejected the application for bail.

5. The alleged act is serious in nature as it impacts the economy. Having regard to the materials on record and the nature of the allegations, I do not find this is to be a fit case to release the applicant on bail at this juncture. Liberty to file fresh application, in case there is no progress of the trial in the next six months.

6. Bail Application is rejected.

(M. S. KARNIK, J.)