

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

CRIMINAL BAIL APPLICATION NO.2371 OF 2021

Farroq Pasha Choudhary Applicant
Versus
The State of Maharashtra Respondent

Mr.Mohd. Anees Shaikh for the Applicant.
Smt. A. A. Takalkar, APP for the State/Respondent.

CORAM :SARANG V. KOTWAL, J.

DATE : 8th FEBRUARY, 2022

(Through Video Conferencing)

P.C. :

1. The Applicant is seeking his release on bail in connection with C.R. No.28 of 2021 registered with Vikroli Police Station on 26th January, 2021, which was subsequently investigated by DCB, CID vide its C.R. No.20 of 2021 under Sections 489A, 489B, 489C, 489D, r/w 34 of IPC.

2. Heard Mr. Mohd. Aneed Shaikh, learned counsel for the Applicant and Smt. A. A. Takalkar, learned APP for the State/Respondent.

3. The prosecution case is that the Applicant used counterfeit currency notes of Rs.100/- denomination and some of them were found in his possession. Thus he has committed the aforesaid offence.

4. The learned counsel for the Applicant submitted that the Applicant had allegedly given these notes to his friends by way of loan. It cannot be said, therefore, that these notes were actually used by the Applicant in the market as it would be requirement of Section 489(B) of IPC. He submitted that comparing the number of notes the main accused had and the number of notes which the Applicant had, there is huge discrepancy. Therefore, it shows that the Applicant is not the main offender. The Applicant is already in custody since 27th January, 2021. The Investigation is over and the trial is not likely to commence soon. Therefore, he submitted that the Applicant should be granted bail.

5. The learned APP opposed this Application. She submitted that the counterfeit currency notes were found in the Applicant's possession and the material shows that the Applicant had given those notes to his friend by way of loan. That would also mean that he has actually used those currency notes. Therefore, the Applicant cannot be said that he has not committed offence under Section 489B. She submitted that this is a serious offence which affects the economy of the country. Therefore, bail should not be granted to the Applicant.

6. I have considered these submissions. The investigation started when a raid was conducted on receipt of a prior information by the first informant Police Inspector Shri Dhankar and his team. The

police officers had received a secrete information that two persons were to come near Pravin hotel at Vikroli carrying fake currency notes. The arrangement to conduct a raid was made. Panchas were called. Police parties went to the spot. As two persons came there, they were apprehended. One of them viz. Abdul Kallu Khan had 100 counter feit currency notes of Rs.200 denomination and 100 counterfeit currency notes of Rs.100 denomination. The other person Mahendra Tukaram Khandaskar had 100 counterfeit currency notes of Rs.2000/- denomination and 100 counterfeit currency notes of Rs.500/- denomination. They were arrested. Notes were seized.

7. The Applicant's name transpired in the statement given by accused Mahendra Khadaskar under Section 27 of the Indian Evidence Act. The investigation is carried out. The Applicant was arrested on 27th January 2021. The personal search showed that he had counterfeit currency notes of Rs.100/- denomination. The statement of the Applicant under Section 27 of the Indian Evidence Act was recorded. Pursuant to that the Applicant took the police party to his friend Shiva Dhuria. From the said person the counterfeit currency notes of Rs.100/- denomination were recovered. Shiva Dhuria's statement was recorded. He has stated that in January 2021, he had taken financial help from the Applicant to the tune of Rs.5000/-. At that time, the Applicant had

given him 50 fake notes of Rs.100/- denomination. This witness had used those notes in the market. On 2nd February, 2021, the police came to this witness with the Applicant and asked for those notes. The counterfeit currency notes remaining with him were produced by him. They were forming part of the counterfeit currency notes given by the Applicant to this witness.

8. This evidence clearly shows that the Applicant had actually used those counterfeit currency notes. It was given as a loan to his friend and it was expected that the friend would return that loan. It also shows that the Applicant had actually used those counterfeit currency notes as genuine notes.

9. Considering the seriousness of the offence, no case for grant of bail is made out.

10. The Application is rejected.

(SARANG V. KOTWAL, J.)