

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 2868 OF 2022

Naved Ahmad Ubaid Shaikh ... Applicant

V/s.

State of Maharashtra ... Respondent

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Mr. Deepak Gautam a/w. Ms. Nandini Gautam and Mr. Amandeep Singh, Advocate for Applicant.
Ms. Anamika Malhotra, APP for Respondent-State.
PSI – D.V.Salunkhe, Kurla Police Station present.

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CORAM : SHIVKUMAR DIGE, J.

DATE : 12th SEPTEMBER 2023

P C:-

1. By this Application, Applicant is seeking bail in C.R.No. 520 of 2021 registered with Kurla Police Station for the offence punishable under Sections 489(A), 489(B), 489(C), 489(D) of Indian Penal Code (for short “IPC”).

2. It is the prosecution’s case that on 28.08.2021 Senior Police Inspector of Kurla Police Station has received secret information from his informer that one person at around 1 p.m. will be coming at Azad Hotel with fake currency note. Accordingly, Senior Police Inspector prepared team for the raid. Thereafter, at around 1.30 p.m. the Applicant came at Azad Hotel and he was caught by the

raiding team. In the personal search of the Applicant, Police has seized around Rs.2,06,500/- in the denomination of Rs.500/- counterfeit notes. Thereafter, at the instance of Applicant Police has seized counterfeit notes of Rs.75,000/- from the house of Applicant. Police also seized printer from the house of Applicant which was used for making counterfeit currency notes. FIR was lodged against the Applicant.

3. It is the contention of learned Counsel for the Applicant that, Applicant has been falsely implicated in this case. No where in the house panchanama it is mentioned that Applicant was present in the house. The house details or papers are not part of the charge-sheet. In such scenario, it cannot be presumed that the articles of counterfeiting notes were recovered from the Applicant or the Applicant was making counterfeit notes. There is no iota of evidence to link the Applicant in the present crime. No documents produced on record to show that the house where alleged incriminating materials were seized was belong to the Applicant. Applicant is in jail since 28.08.2021 yet charge has not been framed, hence requested to allow the Application.

4. The learned APP submitted that Police has seized counterfeit notes of around Rs.2,06,500/- from possession of Applicant thereafter in the house search of Applicant counterfeit notes of Rs.75,000/- and printer and other articles used for preparing counterfeit notes have been seized. It shows involvement of the Applicant in the crime. Hence, requested to reject the Application.

5. I have heard both the learned counsels. Perused FIR and charge-sheet. It is alleged that Applicant was possessing counterfeit notes more than Rs.2 lakh under Section 489(C) of IPC possession of counterfeit notes is bailable offence. It is alleged that some articles were found in house search of Applicant used for preparing counterfeit notes. The panchanama prepared by the police on 28.08.2021 indicates that no crime number is mentioned in the said panchanama nor documents produced on record to show that said house was belonging to Applicant. Moreover, as per prosecution's case Applicant was arrested when he entered in the Azad Hotel. The statement of Mr. Shaikh, Manager of Azad Hotel indicates that, Applicant had seated in AC room thereafter he was arrested by the Police. As observed earlier, in panchanama no crime number is mentioned nor documents produced on record to show that the room from where articles were seized belonging to Applicant.

Applicant is behind the bar more than 2 years, yet charge has not been framed. Investigation is completed and charge-sheet has been filed.

6. In view of the above, I pass following Order:-

ORDER

- (i) Applicant be enlarged on bail in C.R.No. 520 of 2021 registered with Kurla Police Station on executing P.R.Bond in the sum of Rs.25,000/- with one or two sureties in the like amount.
- (ii) Applicant shall attend the concerned Police Station once in a month i.e. on first Monday of the month between 11.00 a.m. to 3.00 p.m. till framing of charge.
- (iii) Applicant shall inform his latest place of residence and mobile number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Investigating Officer.
- (iv) Applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.

(v) Trial Court shall not influence the observations of this Court while deciding the matter.

7. The Application is allowed in the aforesaid terms and is accordingly disposed off.

8. All concerned to act on the authenticated copy of this Order.

(SHIVKUMAR DIGE, J.)

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KILAJE

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by SONALI
SATISH KILAJE
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