



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.285 OF 2023**

Azizur Hafeezur Rehman @ Bablu

... Applicant

versus

The State of Maharashtra

... Respondent

Mr. Deepak Gautam with Ms. Nandini Vasaikar, Mr. Amandeep Singh Sra, for Applicant.

Mrs. Geeta P. Mulekar, APP for State.

Ms. Pratibha Mali, PSI, Mahatma Phule Chowk Police Station, Kalyan West, present.

CORAM: N.J.JAMADAR, J.

DATE : 9 JANUARY 2024

P.C.

1. Heard the learned Counsel for the parties.
2. The Applicant has been arraigned in C.R.No.423 of 2022 registered with Mahatma Phule Chowk Police Station for the offences punishable under Sections 489B, 489C read with Section 34 of the Indian Penal Code.
3. On 24 July 2022, pursuant to an intimation a raid was conducted at Room No.111, Anil Lodge, Nilam Lane, Kalyan (W), wherein co-accused Mohammad Arif, Suraj Poojari and Karan Rajak were found in possession of 1006 counterfeit currency notes of Rs.200/- denomination. Investigation revealed that the applicant was also a part of the syndicate. The applicant had forwarded a Google location of the place to the co-accused Mohd. Arif, which was shared by another absconding co-accused Shariq @ Shakal. The search of the data of the mobile phone handset of the

applicant revealed that on 17 July 2002, the applicant had transferred amount on the account of the wife of absconding accused through the account of his brother – Shafaur Rehman.

4. Learned Counsel for the Applicant submitted that there is no material to connect the applicant with the alleged offences. The applicant was apprehended on 30 July 2022. Panchanama of the data in the mobile phone handset was drawn on 6 August 2022. It is not the prosecution case that the applicant was found in possession of any counterfeit currency notes. Nor the applicant had trafficked in the counterfeit currency notes. The aforesaid circumstances pressed into service against the applicant, according to the learned Counsel for the Applicant, are of inherently weak character.

5. Learned APP, on the other hand, contested the prayer for bail. It was submitted that the offences have serious repercussions on the economy of the country. Huge counterfeit currency notes were found in the possession of the co-accused. Therefore, the applicant does not deserve to be released on bail.

6. I have perused the report under Section 173 of the Code of Criminal Procedure, 1973 and the documents annexed with it. Evidently, the applicant was not found in possession of the counterfeit currency notes, nor used the said counterfeit currency notes as genuine despite having known the said fact. The applicant has been roped in as a member of the syndicate.

7. The aforesaid circumstances pressed into service on behalf of the prosecution to establish the nexus of the applicant with the alleged offences, prima facie, do not bear the weight of the accusation. The Court is not informed that there are antecedents of the applicant which indicate that the applicant has been indulging in identical activity. The applicant has been in custody since 30 July 2022 and it is unlikely that the trial can be concluded within a reasonable period of time.

8. In the circumstances, a prima facie case for exercise of the discretion is made out. The apprehension on the part of the prosecution can be taken care of by imposing conditions.

9. Hence, the following order :

ORDER

(i) The Application stands allowed.

(ii) The Applicant – Azizur Hafeezur Rehman @ Bablu be released on bail in C.R.No.423 of 2022 registered with Mahatma Phule Chowk Police Station, Kalyan on furnishing a PR bond in the sum of Rs.30,000/- and one or two sureties in the like amount to the satisfaction of the learned Sessions Judge.

(iii) The applicant shall mark his presence before the concerned police station on first Monday of every month in between 11 am to 1 pm till framing of charge and, thereafter, shall abide by the directions issued by the trial Court.

(iv) The applicant shall not tamper with the prosecution evidence. The

applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any police officer.

(v) On being released on bail, the applicant shall furnish his contact number and residential address to the investigating officer and shall keep him updated, in case there is any change.

(vi) The applicant shall regularly attend the proceedings before the jurisdictional Court.

(vii) By way of abundant caution, it is clarified that the observations made hereinabove are confined for the purpose of determination of the entitlement for bail and they may not be construed as an expression of opinion on the guilt or otherwise of the applicant and the trial Court shall not be influenced by any of the observations made hereinabove.

Application disposed.

(N.J.JAMADAR, J.)