



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.1250 OF 2023**

Salman Rajiullah Khan	...	Applicant
versus		
The State of Maharashtra	...	Respondent

Mr. M.V.Holamagi, for Applicant.
Mrs. Geeta P. Mulekar, APP for State.

CORAM: N.J.JAMADAR, J.

**RESERVED ON : 4 JANUARY 2024
PRONOUNCED ON : 16 JANUARY 2024**

ORDER :

1. Heard the learned Counsel for the parties.
2. The applicant who is arraigned in in C.R.No.92 of 2021 registered with D.C.B. C.I.D., Crime Unit V (initial C.R.No.715 of 2021 registered with Pantnagar Police Station) for the offences punishable under Sections 489B and 489C of the Indian Penal Code for having been found in possession of counterfeit currency notes and also having used those counterfeit currency notes as genuine, has preferred this application to enlarge him on bail.
3. On 30 November 2021 at about 10.45 p.m., an intimation was received that on 1 December 2021 at about 0.15 a.m., a person, whose features were described, would arrived near Nalanda Bus Depot, Ghagkopar (E), along with counterfeit currency notes. A surveillance was conducted. The applicant, whose features

matched the description in the intimation, arrived at the stated time and place. The applicant was, therefore, apprehended. He was carrying a black sack containing currency notes of Rs.500/-, Rs.200/- and Rs.100/- denominations. The applicant was brought at Kurla office and a search was conducted in the presence of the public witnesses. In the search of the applicant along with genuine currency notes and other articles, 1003 counterfeit currency notes of denominations 100, 200 and 500 equivalent to Rs.2,26,100/- were found. It further transpired that the applicant had used the counterfeit currency notes as genuine in the past.

4. Learned Counsel for the Applicant submitted that the applicant, a young boy of 24 years, has been falsely roped in. The applicant is in custody for more than two years. The material on record including the transcript of the conversation between the co-accused and the child in conflict with law indicates that the applicant was not instrumental in either procuring or using the counterfeit currency notes as genuine. Therefore, the applicant deserves to be enlarged on bail as the trial may take a long time.

5. Mrs. Mulekar, learned APP resisted the prayer for bail. It was submitted that there is adequate material to show that the applicant was found in possession of counterfeit currency notes of large amount of Rs.2,26,100/-. At this juncture, according to the learned APP, there is no reason to question the veracity of the search and seizure and the documents which evidence the same. As the offences have the

propensity to corrode the economic life of the country, the applicant does not deserve to be released on bail. Learned APP further submitted that there is a clear possibility of the applicant again indulging in identical offences.

6. I have given anxious consideration to the rival submissions. From the perusal of the material on record, it appears that the applicant was allegedly found in possession of the counterfeit currency notes at Ghatkopar. Raiding party, however, brought the applicant to Kurla and, at that place, the personal search was conducted and counterfeit currency notes were allegedly found. Prima facie, it appears that the counterfeit currency notes were not seized at the place where the applicant was allegedly apprehended. To what extent the said fact bears upon the complicity of the applicant, would be a matter for trial.

7. At this stage, even if the aforesaid material is taken at par, prima facie, the offence would fall within the dragnet of Section 489C of the IPC. The prosecution alleges that the applicant had used the counterfeit currency as genuine in the past. Reliance is placed on the statement of two witnesses namely Sajan Navik and Ronit Khule. Both the witnesses have stated about the fact that the child in conflict with law had given the counterfeit currency notes to them. In addition, the prosecution relies on a disclosure statement of co-accused Sherali Siddiqui who stated that he had used the counterfeit currency notes delivered by the applicant. The transcript of the conversation relied upon by the prosecution appeared to be primarily between the

absconding accused and the child in conflict with law, as is evident from the panchanama dated 9 December 2021.

8. In the aforesaid view of the matter, since the applicant has been in custody for more than two years, chargesheet has been lodged and the investigation is complete, further detention of the applicant does not seem to be warranted. The Court is informed that there are no criminal antecedents of the applicant. The apprehension on the part of the prosecution of the applicant indulging in identical offences, can be taken care of by imposing condition.

9. Hence, the following order :

ORDER

(i) The Application stands allowed.

(ii) The Applicant – Salman Rajillllah Khan be released on bail in C.R.No.92 of 2021 registered with D.C.B. C.I.D. Unit No.5, 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 D.C.B. C.I.D. Unit No.5 on first Monday of every month in between 11 am to 1 pm for a period of two years or till the conclusion of the trial.

(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.)