



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.1209 OF 2023**

Ifran Jilani Shaikh

... Applicant

versus

The State of Maharashtra

... Respondent

Mr. Priyatosh Tiwari i/by Mr. Ashok M. Saraogi, for Applicant.

Mr. Bapu Vitthalrao Holambe Patil, APP for State.

CORAM: N.J.JAMADAR, J.

DATE : 28 FEBRUARY 2024

P.C.

1. Heard the learned Counsel for the parties.
2. This is an application for bail in connection with C.R.No.628 of 2021 registered with DCB CID Mumbai for the offences punishable under Sections 489A, 489B, 489C and 489D read with Section 34 of the Indian Penal Code, 1860.
3. The indictment against the applicant is that on 9 July 2021, pursuant to a specific information, the police conducted a surveillance at Asha Nagar Slum, near Milan Sub-Way, Mumbai. At 2.30 a.m., the applicant, whose description matched with the features given by the informant, came near Asha Nagar Slum Service Road. He was accosted. In the search of the applicant, in the presence of the public witnesses, 190 counterfeit currency notes of 500 denomination and one counterfeit currency note of Rs.100 denomination were found. The applicant was arrested. Counterfeit notes were seized. In the investigation, the complicity of the applicant and the co-accused

was revealed.

4. Learned Counsel for the Applicant submitted that the applicant has been in custody since 10 July 2021. The material on record would at best indicate that the charge for the offence punishable under Section 489C for being found in the possession of counterfeit notes can only be levelled against the applicant. Having regard to the period of incarceration, the applicant deserves to be enlarged on bail.

5. Learned APP resisted the prayer for bail. Inviting the attention of the Court to the assertions in the affidavit in reply and the seizure panchanama, which indicate that the counterfeit currency notes were found in possession of the applicant and the statement of witness who stated that in the month of July 2021, the applicant had shown him the counterfeit currency note of Rs.500/- denomination and inquired with him as to whether he would use the said counterfeit currency note, it was submitted that the offences under Section 498A and 498B can also be said to have been made out.

6. I have perused the report under Section 173 of the Code and the documents annexed with it. Prima facie, the record indicates that the applicant was found in possession of the counterfeit currency notes. The material on record, however, does not indicate that the applicant has used the counterfeit currency notes having known that those were counterfeit notes. The role attributed to the applicant of being found in possession of the counterfeit notes properly falls within the dragnet

of the offence under Section 489C of the Code.

7. In any event, the applicant has been in custody since 10 July 2021. The Court is not informed that the applicant has any antecedent. In the circumstances of the case, I am inclined to exercise the discretion in favour of the applicant.

8. Hence, the following order :

ORDER

(i) The Application stands allowed.

(ii) The Applicant – Irfan Jilani Shaikh be released on bail in C.R.No.628 of 2021 registered with DCB CID Police Station, on furnishing a PR bond in the sum of Rs.50,000/- and one or two sureties in the like amount to the satisfaction of the trial Court.

(iii) The applicant shall mark his presence at DCB, CID Police Station on first Monday of every alternate month between 11 am to 1 pm for a period of three years or till the conclusion of the trial whichever is earlier.

(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.)