



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

BAIL APPLICATION NO. 1715 OF 2023

PRADEEP DHANPAL CHOUDHARY	..APPLICANT
VS.	
THE STATE OF MAHARASHTRA	..RESPONDENT

Mr. Niranjana Mundargi a/w Mr. Abbas Khan, Ms. Keral Mehta,
Mr. Saleem Khan, Mr. Kaushal Sharma, Mr. Vijay Jha, for the
Applicant.
Ms.S.D.Shinde, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : FEBRUARY 02, 2024

P.C. :

1. Heard learned counsel for the applicant and learned APP for the State.
2. This is a 2nd application for bail in respect of the offence punishable under sections 489A, 489B, 489-C, 120B, 34 read with 34 of the Indian Penal Code, 1860 registered on 26/01/2022 vide C.R. No.88 of 2022 with Dahisar police station.
3. The 1st application for bail of the applicant was disposed of vide order dated 21/12/2022 passed by this Court which reads thus:

- “1. Learned counsel for the applicant seeks leave to withdraw the application.
2. The bail application is allowed to be withdrawn with liberty to approach this Court after 6 months in case the trial does not proceed substantially.”

There is hardly any progress in the trial. I am informed that even charge has not been framed. In the circumstances, the trial will take a long time to conclude.

4. There are in all 7 accused. The applicant is the accused no.5. The prosecution had received information that the accused no.1 - Manoj Sharma was carrying counterfeit currency and was put up in one hotel. On 26/01/2022, the police raided the hotel. The accused which included the present applicant was found in the room. On enquiry with the accused no.1, it was revealed that there was a bag containing the counterfeit currency of Rs. 2 Crores under the cot in that room. On enquiry, the accused no.1 revealed that even the present applicant is involved in printing and dealing with the counterfeit notes. Learned counsel for the applicant submitted that the applicant had come to Mumbai to meet accused no. 1 as he had business relations with him. The applicant is in the business of

electronic goods and has a shop in Ghaziabad, Uttar Pradesh. The material against the present applicant is that he was found along with the other accused in the room. The police went to the residence of the applicant at Ghaziabad, Uttar Pradesh. It was at the instance of accused no.1- Manoj Sharma, the HP printer used for printing the counterfeit currency was recovered from the car which belongs to the applicant. This recovery was at the instance of the accused no.1.

5. Learned APP submitted that the huge amount of counterfeit currency was recovered from the accused. It is further submitted that the applicant was found along with the other co-accused in the room of the hotel.

6. As indicated earlier, the trial is not likely to conclude soon. The applicant is in custody from 26/01/2022 for more than 2 years. There are no criminal antecedents reported against him. Even after withdrawal of the first bail application on 21/12/2022, it is 1 year since there is no progress in the trial. The applicant was granted liberty to approach this Court in case the trial does not progress substantially.

7. Learned counsel submitted that the room in question from where counterfeit currency was found was not booked in the name of the present applicant. The counterfeit currency was found in the room at the instance of the other accused. In the facts and circumstances of the case and having regard to the nature of materials against him, I am inclined to enlarge the present applicant on bail.

8. Learned APP submitted that the applicant is from Ghaziabad and there is every possibility that the applicant will abscond. Learned counsel for the applicant on instructions submitted that the applicant is willing to reside within the area of Mumbai/Mumbai Suburban District to show his bonafides and even report to the investigating officer once in a week for a reasonable time whereafter depending on his conduct the applicant be granted liberty to apply for modification of the condition. This request can be considered. The trial is likely to take a long time to conclude. The investigation is complete. The charge-sheet has been filed. In such a view of the matter, I am inclined to enlarge the applicant on bail. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant- Pradeep Dhanpal Choudhary in connection with C.R. No. 88 of 2022 registered with Dahisar police station (C.R.No. 06 of 2022 of DCB CID Unit XI) shall be released on bail on his furnishing P.R. Bond of Rs.1,,00,000/- with one or more solvent sureties in the like amount.
- (c) The applicant shall report to DCB CID Unit XI once in a week every Monday of the month between 11.00 a.m. and 2.00 p.m.
- (d) 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. The applicant shall not tamper with evidence.
- (e) 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.
- (f) The applicant shall not leave the jurisdiction of Mumbai/Mumbai Suburban District after being released on bail. After a period of 6 months, it is open for the applicant

to apply for the modification of this condition as well as the condition of reporting to the investigating officer.

(g) The applicant shall attend the trial regularly. The applicant shall co-operate with the trial Court and shall not seek unnecessary adjournments.

(h) The applicant shall surrender his passport to the investigating officer. If the applicant does not have passport, he shall file the affidavit to that effect with the trial Court.

9. The application is disposed of.

(M. S. KARNIK, J.)