

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

**INTERIM APPLICATION NO.2795 OF 2024
IN
CRIMINAL APPEAL NO.750 OF 2024**

Sayyed Mumtaz Kayyum Sayyed Appellant

versus

The State of Maharashtra Respondent

.....

- Mr. Prakash V. Vare a/w Prachita Vare, Advocate for Appellant.
- Mr. Shrikant H. Yadav, APP for the State/Respondent.

**CORAM : SARANG V. KOTWAL, J.
DATE : 22nd JULY, 2024**

P.C. :

1. This is an application for release of Applicant on bail during pendency of the Appeal preferred by the present Applicant. The Applicant was the original accused No.3 before the Sessions Court, Greater Mumbai in Sessions Case No.396 of 2013. Learned Trial Judge vide his Judgment and Order dated 27/05/2024 convicted the Applicant along with two others for commission of offence punishable u/s 489-C of the Indian Penal Code. The Applicant was sentenced to suffer imprisonment for 3

years and to pay a fine of Rs.10,000/- and in default of payment of fine to suffer simple imprisonment of 6 months.

2. Heard Mr. Prakash V. Vare, learned counsel for the Applicant and Mr. Shrikant H. Yadav, learned APP for the State.

3. The prosecution case is that the P.W.1 i.e. the first informant went to deposit the amount of Rs.25,000/- at State Bank of India, Andheri Branch. The Bank Officers were suspicious. It was found that the notes were counterfeit notes. The police were called. The P.W.1 told the police that he had taken that amount from one Prakash Rathod by way of repayment of the loan. Enquiry with Prakash led to the accused No.1 who allegedly had given those notes to Prakash. After arrest of the accused No.1, the accused No.2 was arrested and at his instance 150 currency notes of Rs.500/- were recovered. They were counterfeit notes. After that, pursuant to the secret information, the police were led to a hotel where the accused No.3, 4 and 5 were found. There are allegations that the accused

No.3 i.e. the present Applicant was in possession of 32 such counterfeit currency notes.

4. Learned counsel for the Applicant submitted that the prosecution has not established as to how the police reached the spot from where notes were recovered from the Applicant. There is nothing to show that there was any connection between the accused Nos.1, 2 and the present Applicant, who was the accused No.3. The prosecution has not proved its case beyond reasonable doubt. He submitted that the Applicant was on bail during trial. There was no allegations of misuse of this liberty. Even after his conviction, he was granted bail for a limited period by the learned Sessions Judge u/s 389 of Cr.PC. He submitted that the Applicant be released on bail.

5. Learned APP submitted that the offence is serious and the prosecution has proved its case beyond reasonable doubt. Therefore, bail should not be granted to him.

6. I have considered these submissions. There are some

arguable points raised by the learned counsel for the Applicant. The sentence imposed on the Applicant is only for three years. The Appeal is not likely to be decided during that period. He was on bail during trial. There are no allegations of misuse of that liberty. Even after his conviction, the Applicant was granted bail for a temporary period u/s 389 of Cr.P.C.

7. Considering all these aspects, the Applicant deserves to be granted bail during pendency of the Appeal.

8. Hence, the following order :

ORDER

- (i) During pendency and final disposal of the Criminal Appeal No.750 of 2024, the Applicant is directed to be released on bail on his furnishing P.R. bond in the sum of Rs.30,000/- (Rupees Thirty Thousand only), with one or two sureties in the like amount.
- (ii) Interim Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)