



\$~5

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **BAIL APPLN. 680/2024**

FARUK SHEIKH

..... Applicant

Through: Mr.Rajesh Manchanda,

Mr.Rajat Manchanda,

Ms.Megha Gaur, Ms.Somya

Narula, Ms.Aditi Singhal, Mr.

Mayank Nautiyal, Advs.

versus

THE STATE (GOVT. OFNCT DELHI) Respondent

Through: Mr.Aman Usman, APP with

ACP Ved Prakash and SI

Dharmender

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

10.04.2024

%

1. This application has been filed under Section 439 of the Code of Criminal Procedure, 1973 (in short, 'Cr.P.C.') praying for the applicant to be released on bail in FIR No.165/2022 registered at Police Station: Special Cell, Lodhi Colony, New Delhi under Sections 489B/489C/120B of the Indian Penal Code, 1860 (in short, 'IPC') and Section 16 of the Unlawful Activities (Prevention) Act, 1967 (in short, 'UAPA').

2. It is the case of the prosecution that on 17.06.2021, specific information was received that two persons would be coming near Dilshad Garden Metro Station to deliver big consignment of Fake Indian Currency Notes (in short, 'FICNs') to their contact. Thereafter, a raiding party was formed and a trap was laid. On the identification



of the secret informer, the said two persons were apprehended. Upon them being searched, a black polythene was found in the possession of the co-accused- Aniqul Islam in which one bundle of 100 notes of Rs.2,000/- denomination FICN was found. On searching the co-accused- Shariqul Sheikh @ Sahim, a black polythene containing 100 notes of Rs.2000/- denomination FICN was also found. They disclosed that they used to procure the FICNs from the applicant and one Kasim, who are residents of Malda, West Bengal.

3. It is alleged that in spite of sincere efforts, the applicant could not be apprehended. It was finally discovered that the applicant had been arrested in FIR No.137/2018 under Sections 489B/489C of the IPC registered at Police Station: Special Cell, Delhi and was in custody from 28.11.2018. He had been granted bail on 14.11.2019.

4. On 01.11.2022, the applicant was finally arrested near Old Delhi Railway Station, Delhi and 10 notes of the denomination of Rs.2000/- each of FICN were recovered from his possession. Sanction under Section 45(1)(ii) of the UAPA was obtained. It is stated that the applicant is the main member of the inter-state supply of the FICNs. He is also involved in another case of similar nature and is likely to re-indulge in the circulation of the FICNs in case he is granted bail.

5. The learned counsel for the applicant submits that the applicant has been in custody since 01.11.2022. He submits that though it is alleged that the co-accused, on their arrest on 17.06.2022, had disclosed the involvement of the applicant in the supply of FICNs, no steps were taken to apprehend the applicant till 01.11.2022.

6. The learned counsel for the applicant submits that under Rule 5



of the Investigation of High Quality Counterfeit Indian Currency Offence Rules, 2013, the minimum seizure has to be of Rs.1,00,000/. In the present case, even as per the prosecution, the amount recovered from the applicant is only Rs.20,000/-. The applicant has been in custody since 01.11.2022 and the trial is not likely to conclude any time soon. He submits that the entire case against the applicant is based only on the alleged recovery and the disclosure statements of the co-accused while in custody.

7. The learned APP, on the other hand, submits that the applicant is involved in another case as well of the similar nature. He submits that there is a likelihood of the applicant indulging in similar activity in case he is released on bail. He further submits that what is relevant is not the recovery from the applicant alone but also from his co-accused.

8. I have considered the submissions made by the learned counsels for the parties.

9. Keeping in view the fact that the applicant has been in custody since 01.11.2022 and presently, the amount alleged to have been recovered from him is only of Rs.20,000/-, in my view, the applicant has been able to make out a case for being released on bail.

10. Accordingly, it is directed that the applicant Faruk Sheikh be released on bail in FIR No.165/2022 registered at Police Station: Special Cell, Lodhi Colony, New Delhi under Sections 489B/489C/120B of the IPC and Section 16 of the UAPA, on furnishing a personal bond in the sum of Rs.50,000/- with one surety of the like amount to the satisfaction of the learned Trial Court, and



further subject to the following conditions:

- i. The Applicant shall provide his permanent address to the learned Trial Court. The applicant shall also intimate the Court, by way of an affidavit, and to the IO regarding any change in his residential address.
- ii. The Applicant shall appear before the learned Trial Court as and when the matter is taken up for hearing.
- iii. The Applicant shall provide all/latest/fresh mobile numbers to the IO concerned, which shall be kept by the applicant in a working condition at all times and shall not be switched off or changed by him without prior intimation to the learned Trial Court and the IO concerned. The mobile location be kept on at all times.
- iv. The Applicant shall not indulge in similar or any other criminal activity and shall not communicate with or come in contact, directly or indirectly, with any of the prosecution witnesses or the co-accused. In case the Applicant is found involved in another case, it will be open to the prosecution to file an appropriate application seeking cancellation of his Bail in the present case as well.

11. Needless to state, any observation touching the merits of the case is purely for the purposes of deciding the question of grant of bail and shall not be construed as an expression on the merits of the matter.

12. The bail application is disposed of in the above terms.



13. A copy of this order be sent to the Jail Superintendent for information and necessary compliance.

14. Copy of this Order be given *dasti* under the signatures of the Court Master.

NAVIN CHAWLA, J

APRIL 10, 2024/ns/RP

Click here to check corrigendum, if any