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

+ **BAIL APPLN. 1184/2024**

MR. TAJEEM (IN J.C.)

.....Petitioner

Through: Mr. Hirein Sharma, Mr. Vimal Tyagi
& Mr. Saurabh Goel, Advocates.

versus

THE STATE (GOVT. OF NCT OF DELHI)

.....Respondent

Through: Ms. Richa Dhawan, APP for State.
S.I. Vikas Kumar, PS NR & STF/Spl.
Cell, Delhi.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

04.09.2024

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1. The present Petition under Section 439 of the Code of Criminal Procedure, 1973 has been filed on behalf of the petitioner seeking regular bail in FIR No. 165/2023 registered under Sections 489B/489C/34 of the Indian Penal Code, 1860 (*hereinafter referred to as "IPC, 1860"*) at Police Station Special Cell, Delhi.
2. It is submitted in the petition that the petitioner was apprehended on 21.06.2023 at about 05:20 P.M. at Splash Park, GT Karnal Road, Mukarba Chowk, Delhi by a raiding team of three persons which was constituted on the basis of secret information received by one of the officers, at 04:00 P.M. on the said date.
3. Thereafter, the petitioner was taken to the Office of Special Cell, where fake currency notes amounting to Rs. 2,50,000/- were planted on him and pursuant thereto, he was arrested and the present FIR has been



registered.

4. It is further submitted that the on the disclosure of the petitioner, the co-accused, Irshad @ Bhuru was arrested on 22.06.2023 who disclosed about his involvement in the Counterfeit Currency and led the raiding team to his house from where, the equipment/tools for printing fake currency notes were recovered.

5. It is further submitted that the petitioner as well as the co-accused, Irshad @ Bhuru were remanded to police custody for two days, but no further incriminating material could be recovered from them.

6. The investigations in the present FIR have been completed and the Chargesheet under Sections 489A/489B/489C of IPC, 1860 has been filed before the learned Trial Court, wherein the Charges have been framed under Sections 489B/489C/34 of IPC, 1860 *vide* Order dated 15.01.2024.

7. It is submitted that the testimony of four prosecution witnesses, out of 21 prosecution witnesses, has been recorded. The petitioner submits that the petitioner is in judicial custody from 21.06.2023 and that the trial may take a long time to get concluded.

8. It is further submitted that the first Regular Bail Application filed before the learned Trial Court had been dismissed by the learned Additional Sessions Judge-02, Patiala House Court, New Delhi *vide* Order dated 21.03.2024.

9. Learned counsel for the petitioner has placed reliance on the decision in Karan Singh Alias Sajan Alias Vickey vs. State, decided *vide* BAIL APPLN. 829/2022 on 18.05.2022 by the Co-ordinate Bench of this Court, to submit that the Co-ordinate Bench of this Court had granted the bail in the similar facts as in hand.



10. He further submits that the petitioner is a daily wager who is honest and does hard work to provide the livelihood to his family. The petitioner has been falsely implicated in the present FIR. There are no chances of the petitioner tampering with the prosecution witnesses. The petitioner undertakes to remain bound by the any terms that may be imposed by this Court.

11. Therefore, the prayer is made that the petitioner may be granted regular bail in the present FIR.

12. **The Status Report** has been filed on behalf of the State, wherein it is submitted that the petitioner is presently on interim bail for a period of six weeks granted *vide* Order dated 07.06.2024 by this Court. The co-accused, Irshad @ Bhuru is in judicial custody and his Bail Application filed before this Court was dismissed *vide* Order dated 03.04.2024, passed in BAIL APPLN. 1147/2024.

13. Learned Additional Public Prosecutor on behalf of the State further submits that the petitioner and the co-accused, Irshad @ Bhuru reside in the same locality and there is a possibility of the petitioner influencing the co-accused, Irshad @ Bhuru.

14. Moreover, if the petitioner is released on bail, it would be difficult to ensure his presence during the trial.

15. Also, fifth recovery witness is yet to be examined.

16. Learned Additional Public Prosecutor on behalf of the State has placed reliance on the decision in Tabrez Ahmed vs. State NCT of Delhi, decided *vide* BAIL APPLN. 1490/2021 on 23.08.2021 by the Co-ordinate Bench of this Court, wherein it has been held that the offences under Sections 489A/489B/489C/489D and 489E of IPC, 1860 are heinous



offences and the bail was denied.

17. Therefore, the present petition has been opposed.

18. **Submissions heard.**

19. Essentially, the allegations made against the petitioner are that he was found in possession of Counterfeit Notes of Rs. 2,50,000/- in the denomination of Rs. 2,000/- each.

20. Pursuant to the disclosure of the petitioner, the raiding team was able to arrest the co-accused, Irshad @ Bhuru on 22.06.2023 who disclosed about his involvement in the Counterfeit Currency and led the raiding team to his house from where, the equipment/tools for printing fake currency notes were recovered.

21. The petitioner in judicial custody from 21.06.2023 and also the Chargesheet has already been filed in the FIR and no further investigations have to be carried out *qua* the petitioner.

22. Also, there are 21 prosecution witnesses, out of which, the testimony of 4 prosecution witnesses has been recorded complete, while the cross-examination of fifth Prosecution Witness is yet to be done.

23. Considering that the trial may take a long time to get concluded as well as the facts as narrated above, and also relying on Judgment of the Co-ordinate Bench in Karan Singh Aias Sajan Alias Vickey (supra), the present Bail Petition is allowed and the petitioner is admitted to regular bail in FIR No. 165/2023 registered under Sections 489B/489C/34 of IPC, 1860 at Police Station Special Cell, Delhi, upon his furnishing a personal bond in the sum of Rs. 40,000/- and one surety of the like amount to the satisfaction of the learned Trial Court, and further subject to the following conditions: -

a) Petitioner shall not leave Delhi/NCR without prior permission of



the Court;

b) Petitioner shall appear before the Court as and when the matter is taken up for hearing;

c) Petitioner shall provide his mobile number and also the mobile number of their wife/surety to the IO concerned, both of which shall be kept in working condition at all times and they shall not change the mobile numbers without prior intimation to the Investigating Officer concerned;

d) Petitioner shall inform the IO and the Jail Superintendent the address where he shall be available in Delhi;

e) Petitioner shall not indulge in any criminal activity and shall not communicate with or come in contact with the witnesses.

24. The Registry is further directed to communicate this Order to the learned Trial Court and as well as to the concerned Jail Superintendent.

25. Accordingly, the present petition is disposed of.

NEENA BANSAL KRISHNA, J

SEPTEMBER 4, 2024

S.Sharma