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

\+ BAIL APPLN. 2530/2024

SHAKOOR MOHAMMED .....Petitioner

Through: Mr. Rander Mohd. Asif and Mr. Mateem Ahmad, Advocates.

versus

STATE OF NCT OF DELHI .....Respondent

Through: Mr. Amit Ahlawat, APP. SI Governor Singh and ASI Vinay Tyagi, P.S. ER-1, Crime Branch.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

<u>O R D E R</u>

% 20.05.2025

1. The present application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023[1] (corresponding to Section 439 of the Code of Criminal Procedure, 1973[2]) seeks regular bail in FIR No. 226/2023 under Section 489B, 489C, and 34 of the Indian Penal Code, 1860[3], registered at P.S. Crime Branch, Delhi. Subsequently, a chargesheet has also been filed *qua* the Applicant under Sections 498A, 498B, 498C, 498D, 120B and 34 of the IPC.

2. Briefly stated, the case of the prosecution is as follows:

2.1. On 22nd September, 2023, secret information was received by ASI Ajay Kumar at the office of ER-1, Crime Branch, that one person namely Shakoor Mohammad (Applicant herein), who is infamous for supplying high

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[1] "BNSS"
[2] "Cr.P.C."

quality counterfeit Indian Currency throughout the country, would be visiting near Akshardham Metro Station, along with his accomplice, Lokesh Yadav, for the supply of such counterfeit currency. The said information was recorded and verified by the ASI. After obtaining the necessary directions and instructions from Senior police officers, a team was despatched to the scene. One police constable posed as a decoy customer to lure the Applicant and Lokesh Yadev and struck a deal with them for supply of counterfeit currency. In this regard, when the Applicant and Lokesh came to the spot to hand over the counterfeit money, they were apprehended and examined. On scrutinizing the recovered currency notes, the RBI mandated security features were found to be missing, and it was determined that these notes were indeed Fake Indian Currency Notes[4]. Subsequently, FICN amounting to INR 5 Lakhs were recovered from the Applicant, whereas FICN amounting to INR 1 Lakh was recovered from Lokesh Yadev. Accordingly, the subject FIR was registered, and investigation was taken up. Both the Applicant and Lokesh were arrested 23rd September, 2023.

2.2. During interrogation, they disclosed that one Himanshu Jain gave them the recovered FCIN of INR 6 Lakhs and told them to exchange it in Delhi. CDR analysis of the mobile numbers linked all the three persons together.

2.3. The raiding team then dispatched to Ajmer and apprehended Himanshu Jain, who stated that FCIN of INR 7 Lakhs was actually given to him by the Applicant, after procuring it from one Shivlal. Thereafter, Himanshu gave FCIN of INR 6 Lakhs to the Applicant and co-accused

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[3] "IPC"
[4] "FICN"

Lokesh for exchanging it in Delhi and kept the remaining 1 Lakh with himself. During the course of investigation, two other co-accused persons – Shivlal and Sanjay were arrested in Ajmer on the basis of disclosure statements of the Applicant and Himanshu Jain as well as technical surveillance of their mobile numbers. The CDR analysis of the mobile numbers of all of the accused persons confirm that they were in constant touch with each other.

2.4. All accused persons were then interrogated and confronted with one another's version of accounts in order to unearth the large scale conspiracy of manufacturing counterfeit currency. It was revealed that Shivlal, Sanjay and the Applicant herein were tasked with printing of the counterfeit currency, and in fact the Applicant used to give a fine touch to the printed currency with the help of chemicals and ink. On the other hand, co-accused Himanshu Jain and Lokesh were tasked with exchanging the fake currency with genuine currency notes.

2.5. At the instance of the Applicant and co-accused Shivlal, a raid was conducted at a house in Ajmer where a substantial amount of FCIN and other material to print the FCIN – including laptop, printer, lamination material, chemicals and other incriminating material were recovered. Furthermore, at the Applicant's instance, other incriminating material such as FCIN amounting to INR 1,29,500, a CPU, coloured printer, etc were recovered from his own rented accommodation in Ajmer. Accordingly, notices were sent to the owner of the rented accommodation and his statement under Section 91 of Cr.P.C. was recorded. The recovered FCIN was then sent to the Bank Note Press, Dewas, Madhya Pradesh for expert opinion on their genuineness. As per the report received, the recovered

FCIN were found to be counterfeit.

2.6. During investigation, it was also found that the Applicant, Shivlal, Sanjay and others are wanted in a similar FIR registered at P.S. Beawar City, Rajasthan, being FIR no. 745/2023, also for offences under Sections 489B, 489C, 120B and 34 of IPC, and wherein the accused persons had similar *modus operandi*. The Applicant and other co-accused were arrested in the aforementioned case and were in judicial custody. Therefore, the Karkardooma Court in Delhi, where the present FIR proceedings were ongoing, issued production warrants for the said accused persons, for their production before the Delhi court, which were later executed.

3. In view of the above, counsel for Applicant seeks bail raising the following contentions:

3.1 The Applicant has been falsely implicated in the present case. His previous involvement in a similar case involving fake currency, cannot be the sole ground to reject the Applicant's present bail application.

3.2 The Applicant is entitled to be granted bail on the ground of parity with another co-accused – Sanjay, who was granted bail by this Court *vide* order dated 9th January, 2025 passed in Bail Appln. no. 3502/2024.

3.3 The Applicant has been in custody since 23rd September, 2023, investigation is complete and chargesheet stands filed and charges have been framed only recently, pursuant to orders passed by this Court. As such, considering the number of witnesses noted, the trial in the case is likely to take some time. In these circumstances, the Applicant's continued incarceration would amount to preventive detention at the pre-trial stage, thereby depriving him of his personal liberty as enshrined under Article 21 of the Constitution of India. Reliance in this regard, is placed on the judgment of the Supreme Court in ***Javed Gulam Nabi Shaikh v. State of Maharashtra***[5]**.**

3.4 The Applicant is a young man of 26 years, who is also the sole breadwinner for his family, who are residing in Rajasthan. He has deep roots within his community and there is no likelihood of him absconding or evading the trial. Since the investigation is already complete and all the recovered case material is in the possession of the investigating authorities, there is no possibility of the Applicant tampering with the evidence, if he is released on bail.

4. On the other hand, Mr. Amit Ahlawat, APP for State, strongly opposes the present bail application. He points out that the case of the Applicant is entirely different from that of co-accused Sanjay, who has been granted bail by this Court and therefore the principle of parity is not applicable in the present case.

4.1. He submits that the Applicant's involvement in the crime is distinguishable. The Applicant is a key member of the counterfeit syndicate and has indulged in printing and distributing counterfeit currency in Rajasthan and Delhi. Mr. Ahlawat points out that the Applicant was apprehended on the basis of secret information and FCIN amounting to ₹5 Lakhs was recovered from his conscious possession on the spot. Further, at the instance of the Applicant, FCIN amounting to ₹1,29,500, one CPU, coloured printer and other incriminating material was seized from his residence in Ajmer. The landlord of the said premises – one Alok Kumar, has also confirmed that he gave the tenancy of the said flat to the Applicant.

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[5] (2024) 9 SCC 813

4.2. Moreover, he submits that investigation has revealed that the Applicant used to provide logistics for exchange of FCIN to the other co-accused, he had the technical knowledge of making/manufacturing FCIN, and in fact, he would put the finishing touches on the said FCIN using chemicals and ink, which is an important task to make the counterfeit notes resemble genuine currency notes. It is pointed out that the Applicant was tasked with the responsibility of looking for customers to exchange the fake currency with genuine currency notes and in fact, the Applicant was the one who offered to sell FCIN to the decoy customer set up by the raiding team and took genuine currency notes from him, in exchange for the FCIN.

4.3 The CDR analysis has also linked him with other co-accused persons, indicating his clear and active connivance. Pertinently, the Applicant was not cooperating with the investigating and even attempted to derail the investigation at many instances.

4.4 Moreover, the Applicant has been involved in a similar FIR in Rajasthan and there is every possibility that he may indulge in similar organised crimes and mobilize his dormant resources to start the crime syndicate again. In the event he is granted bail, there is also a strong apprehension that he may tamper with evidence, intimidate witnesses or otherwise jeopardize the trial. Therefore, in light of the substantial evidence found against the Applicant, it is urged that the Applicant ought not to be granted bail.

5. The Court has considered the aforenoted contentions urged by the parties. Since the Applicant has placed reliance on the principle of parity with co-accused Sanjay, it becomes necessary to assess whether their roles are, in fact, comparable. Upon perusal of the materials on record, it is

evident that the role attributed to Sanjay was materially distinct. Sanjay's alleged involvement was confined to peripheral logistical assistance, primarily cutting pre-printed FICN, and the recovery effected from him was only of ₹50,000 in counterfeit currency. When granting bail to Sanjay *vide* order dated 9th January, 2025 in Bail Appln. No. 3502/2024, this Court had noted that the investigation *qua* him was complete, and the role ascribed was limited, absent any direct linkage to the manufacturing process.

6. In contrast, the present Applicant is alleged to have played a central role in the counterfeit syndicate. He was not only found at the spot during the attempted exchange of fake currency but ₹1,29,500 in FICN were recovered from his rented accommodation. The recoveries which implicate him include, a CPU, coloured printer, chemical agents, and other paraphernalia used in the printing process. Furthermore, the landlord has corroborated the Applicant's tenancy, and the recovery is thus directly attributable to premises under the Applicant's control. This establishes his conscious possession of the incriminating material. In view of these specific and weighty recoveries, the claim to parity with Sanjay is manifestly misconceived.

7. In addition to physical recoveries, the CDR analysis clearly places the Applicant in regular communication with other members of the syndicate and confirms his presence at locations associated with the manufacture of FICN. The forensic report from the Bank Note Press, Dewas, has affirmed that the recovered currency is indeed counterfeit, and the detailed chain of custody ties it to the Applicant. Unlike co-accused Sanjay, the Applicant is not a mere conduit but is alleged to be deeply involved in both the manufacturing and operational facets of the syndicate, including finalising

the notes using specific chemical techniques to replicate the original security features found on genuine currency notes.

8. The Applicant's apprehension at the spot with ₹5 Lakhs in FICN, in the act of negotiating exchange with a decoy customer, reinforces the conclusion that his role was active, voluntary, and direct. At this stage, the prosecution has made out a *prima facie* case not just of complicity, but of active participation in the printing and circulation of counterfeit currency.

9. In view of the nature of the evidence, the recoveries made, and the forensic analysis supporting the prosecution's case, this Court finds that the standard for grant of bail under Section 483 BNSS is not satisfied. The Applicant's role cannot be equated with that of Sanjay or any other peripheral actor. The plea of parity is thus untenable.

10. The offences alleged are grave, carrying a maximum punishment of life imprisonment under Sections 489A to 489D of the IPC. It must also be borne in mind that offences involving the printing and circulation of counterfeit currency have significant ramifications for public interest and national economic security. In ***Y.S. Jagan Mohan Reddy v. C.B.I.***[6] the Supreme Court emphasised the need to treat economic offences with greater severity, given their potential to destabilise public trust in institutions. The present case, involving deliberate manufacturing and planned distribution of fake Indian currency, cannot be viewed in isolation as a private transaction, but must be seen through the lens of economic sabotage The Courts have consistently held that in cases involving organised crime and economic offences have far-reaching implications on public confidence[7]. The evidence

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[6] (2013) 7 SCC 439

[7] *See also:* ***State of Gujarat v. Mohanlal Jitamalji Porwal,*** (1987) 2 SCC 364

so far reveals the Applicant to be an integral part of such organised activity.

11. Therefore, in the totality of circumstances, the Court is of the view that no case for grant of bail is made out.

12. Accordingly, the present application is dismissed.

SANJEEV NARULA, J

MAY 20, 2025
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