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

CRIMINAL APPEAL NO.1276 OF 2025

Nasir Usmangani Chaudhary
Age : 60 years, Occ : Business
R/o : Room No.8, Ground Floor,
"F" Wing Jamatia Jamuria Colony
Near MTNL, Bandra (W)
Mumbai 400 050

... Appellant

vs.

1. National Investigation Agency
7th Floor, MTNL Telephone
Exchange Building, Peddar Road,
Cumballa Hill,
Mumbai 400 026

...

2. The State of Maharashtra

... Respondents

Mr. Tabish Mooman with Arshi Shaikh for the Appellant.
Mr. Chintan Shah with Mr. Sandeep Sadawarte for Respondent-NIA.
Smt. Prajakta P. Shinde, APP for the Respondent-State.
Mr. Akhilesh Singh, PI, NIA Mumbai.

**CORAM : A. S. GADKARI AND
SHYAM C. CHANDAK, JJ.**

**RESERVED ON : 28th JANUARY 2026
PRONOUNCED ON : 10th FEBRUARY, 2026**

JUDGMENT : (PER SHYAM C. CHANDAK, J.)

1) This Appeal is by Original Accused No.2 under Section 21(4) of the National Investigating Agency Act, 2008 (for short 'NIA Act') read with Section 43D of the Unlawful Activities (Prevention) Act, 1967 (for short 'UAPA') seeks quashing and setting aside of the impugned Order dated 6th

May 2024, passed by the learned Special Judge, City Civil and Sessions Court, Greater Mumbai, in Special Case No.329 of 2023, under Sections 489(A), 489(B), 489(C) read with 34 and 120B of the Indian Penal Code (for short 'I.P.C.') and under Section 15(1)(a)(iiia), 16 & 18 of the UAPA, for his release on bail in the said case during the pendency of trial.

2) The prosecution case is that, based on secret information, on 17th November, 2021 at about 15.00 hours, near Ganesh Talkies, Sai Mandir, Charai, Naupada, Thane West, Officers of Naupada Police Station detained the accused No.1 namely Riyaz Abdul Shikilkar (A-1) and during his personal search in the presence of independent panch witnesses, 149 counterfeit Indian currency notes of Rs.2000 denomination, having face value of Rs.2,98,000/- and some other articles were seized. Thereafter, the A-1 was taken to Naupada Police Station where FIR was registered *vide* Cr. R. No.340/2021, dated 18th November, 2021 under Section 489C of IPC, on the basis of the complaint of Pramod M. Jadhav [HC No.3203] attached to Central Crime Br. Thane City and the A-1 was arrested on 18th November, 2021. During investigation it transpired that the A-1 and the Appellant used to receive instructions on WhatsApp call from Mobile No. +60146950130 belonging to one person named 'Uncle'. The Appellant used to be in contact with the A-1. Said person 'Uncle' is Javed Chikna @ Javed Patel, a designated individual terrorist as per Fourth Schedule of UAPA. It also transpired that the A-1, Appellant and said Javed Chikna @ Javed Patel

conspired and printed the said high quality FICNs of Rs.2,000/- denomination with an intent to traffic, circulate and use the same in open market to damage the economy of India. Hence, the Appellant was arrested on 26th November, 2021. During police custody, the Appellant voluntarily disclosed that said 'Uncle' @ Javed Patel @ Javed Chikna had sent him one High Quality FICN of denomination of Rs.2000/- which he had hidden behind a under-construction Masjid. The Appellant then led the police and panchas to the said place and produced one High Quality FICN of Rs.2000/- denomination. The seized currency notes were forwarded to Nashik Press Maharashtra and its report confirmed the fact that the seized currency are high quality FICNs. Accordingly, charge-sheet was filed against both accused on 6th April, 2022. Accused No.3 Mohd. Fayaaz Shikilkar (A-3) was also found involved in the crime and therefore supplementary charge-sheet was filed in the case.

3) Mr. Tabish Mooman, the learned counsel for the Appellant submitted that, the material evidence as to the alleged seizure of the FICN from the possession of the Appellant is not only suspicious but also not reliable. It indicates that the Appellant has been falsely implicated in this case. He has submitted that the Appellant has been behind bars for four years. The prosecution will examine large number of witnesses. As such, the trial is not likely to be over in the recent future. Therefore, he submitted that the Appellant may be released on bail.

4) Per contra, Mr. Chintan Shah, the learned Spl. P. P. appearing for the Respondent No.1 strongly opposed the Appeal. He submitted that, there is considerable evidence against the Appellant showing his involvement in the crime. The Appellant was connected with the wanted accused namely 'Uncle' @ Javed Chikna @ Javed Patel, a designated individual terrorist as per Fourth Schedule of UAPA. This offence was committed to harm the nation's economy. As such, the offence is serious and therefore bail may be refused.

5) It is an admitted fact that, the Appellant is behind bars for more than four years and still the trial is going on. In the case of ***Javed Gulam Nabi Shaikh v. State of Maharashtra***¹, involving similar offence, the Appellant therein was in jail as an under-trial prisoner for four years; the trial court was not able to even proceed to frame charge and the prosecution intended to examine not less than eighty witnesses. In the backdrop, the Hon'ble Supreme Court observed that howsoever serious a crime may be, an accused has a right to speedy trial as enshrined under the Constitution of India. Bail not to be withheld as a punishment, but that the requirements as to bail are merely to secure the attendance of the prisoner at trial. The Hon'ble Supreme Court in paragraph 17 observed thus :

“17. If the State or any prosecuting agency including the court concerned has no wherewithal to provide or protect the fundamental right of an accused to have a

1 (2024) 9 SCC 813

speedy trial as enshrined under Article 21 of the Constitution then the State or any other prosecuting agency should not oppose the plea for bail on the ground that the crime committed is serious. Article 21 of the Constitution applies irrespective of the nature of the crime.”

The same principle has been reiterated by the Apex Court in *Shri Gurbaksh Singh Sibba and Ors. Vs. State of Punjab*² wherein in para 27 it observed thus :

“27. ... The object of bail is to secure the attendance of the accused at the trial, that the proper test to be applied in the solution of the question whether bail should be granted or refused is whether it is probable that the party will appear to take his trial and that it is indisputable that bail is not to be withheld as a punishment....”.

In *Mohd Muslim @ Hussain v. State (NCT of Delhi)*³, in paragraph 23, the Hon’ble supreme Court has observed that, laws which impose stringent conditions for grant of bail, may be necessary in public interest; yet, if trials are not concluded in time, the injustice wrecked on the individual is immeasurable. Jails are overcrowded and their living conditions, more often than not, appalling. In view of thereof, the Hon’ble Supreme Court directed to release the Appellant on bail.

2 (1980) 2 SCC 565

3 (2023) 18 SCC 166

6) Considering the facts and circumstances of the case, the aforesaid principles are clearly applicable to the Appellant. Accordingly, we are of the view that the Appellant is entitled to be released on bail during the pendency of the trial against him in the aforesaid case.

6.1) Hence, the following Order :-

(a) The impugned Order dated 6th May, 2024 passed below Exh. 24 in Special Case No. 329 of 2023 by the learned Special Judge, City Civil & Sessions Court, Greater Mumbai, is quashed and set-aside.

(b) The Appellant be enlarged on bail, on his executing PR bond in the sum of Rs.1,00,000/- with one or more solvent local sureties in the like amount, to the satisfaction of the learned Special Court.

(c) After his release from jail, the Appellant shall report to the office of the National Investigating Agency, Mumbai (Respondent No. 1), on the first Saturday of every month between 10:00 a.m. to 12:00 noon, till the conclusion of the trial.

(d) The Appellant shall not, either himself or through any other person, tamper with the prosecution evidence and give threats or inducement to any of the prosecution witnesses.

(e) The Appellant shall not leave the jurisdiction of the trial court without the prior permission of the trial court, till the conclusion of the trial.

(f) The Appellant shall surrender his passport, if any, before the trial court, before his actual release from jail.

(g) The Appellant shall inform his latest place of residence and mobile number immediately after being released and/or change of residence or mobile details, if any, from time to time to the court seized of the matter and to the Investigating Agency i.e. the Respondent herein.

(h) The Appellant to co-operate in concluding the trial of present case and attend the trial court on all dates, unless specifically exempted, by giving reasons in writing.

(i) If there is breach of any of the aforesaid conditions, the prosecution will be at liberty to seek cancellation of Appellant's bail.

7) Appeal is allowed in the aforesaid terms.

8) It is made clear that, the observations made herein are *prima facie* in nature and for deciding the present Appeal. The learned Special Judge shall decide the main case on its own merits, in accordance with law, uninfluenced by the observations made in this judgment.

(SHYAM C. CHANDAK, J.)

(A.S. GADKARI, J.)