

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 1490/2021**

Date of decision: 23rd AUGUST, 2021

IN THE MATTER OF:

TABREZ AHMED Petitioner
Through: Mr. Jitender Sethi, Advocate

versus

STATE NCT OF DELHI Respondent
Through: Mr. Amit Chadha, APP for the State

CORAM:
HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

SUBRAMONIUM PRASAD, J.

1. By way of this application, the petitioner seeks bail in FIR No. 230/2019 dated 19.12.2019 registered at Police Station Special Cell for offences under Section 489A, 489B, 489C, 489D, 489E, 120B, 201 and 34 IPC read with Section 25 of the Arms Act.
2. The facts in brief leading the instant bail application are as follows:-
 - a) A secret information was received on 19.12.2019 that a Dubai based Pakistani national namely, Shah Sahab is trying to bring fake Indian currency notes in the country. On the basis of the said information, investigation was conducted and it has surfaced that a syndicate of procurement, printing, circulation

and distribution of fake Indian currency notes is being done and the name of the petitioner's name surfaced in the investigation with a syndicate of few other people.

- b) On 20.12.2019, on the basis of the said information, a raid was conducted in Ramesh Park, Laxmi Nagar area. It is stated that attempts were made to join the passer-by as independent witnesses but none of them was prepared to join the team. A Maruti Brezza car bearing UP16BK 3501 arrived and was parked over the service road.
- c) In the meantime, it is stated that two persons came on the scooter bearing DL4SB 08102. It is stated that the pillion rider had plaster over his leg and was identified as the petitioner. The petitioner i.e. the pillion rider entered the Breeza car which was parked and started talking with the driver. The team members reached near the car and revealed their identity. Fake Indian Currency Notes in the sum of Rs.44,000/- was recovered from the petitioner.
- d) The petitioner and other persons with him at the time of raid were arrested and brought the office of Special Cell and were interrogated and the information of their arrest was communicated to their family members. All the accused were produced before the learned Chief Metropolitan Magistrate, Patiala House Courts and were remanded to Police custody.
- e) The laptop of the petitioner herein was seized and it is stated that Danish Malik S/o Sakeel Malik R/o 1806/18, Rajiv Gandhi Nagar, Mustafabad, Delhi used to design the fake

currency notes in his laptop, and printers used for printing fake currency notes were recovered.

- f) Charge sheet was not filed in time and co-accused, namely, Raghuraj, Danish Malik, Unwan were granted default bail. Before the petitioner could approach the Court for default bail, charge sheet was filed on 18.03.2020. The petitioner could not get default bail.
- g) Material on record indicates that on the disclosure of accused Shoaib, recovery of Rs.25,000/- fake Indian Currency Notes has been effected from H.No.C-34, New Seelampur, Delhi. The said premises were sealed. It is pointed out that the room therein was used for printing of fake currency notes. The Charge-sheet revealed that the ink was being procured from Hong Kong.
- h) The charge sheet discloses that accused/Shoaib's sister Zohra was occupying C-34, 4th Floor, New Seelampur Delhi and printing material was recovered from her house. The charge sheet also states that most of the evidence had been destroyed till the time they reached and machinery, leaf machinery, inks were recovered.
- i) The Call Detail Records analysis of the phones of the accused reveals that all the accused were in constant touch with each other.
- j) The petitioner filed a bail application before the learned Additional Sessions Judge but the same was dismissed by order dated 20.02.2021.

k) The petitioner has thereafter filed the instant petition for grant of bail.

3. A perusal of the Status Report shows that the petitioner is a part of a well-organised syndicate. The syndicate is involved in printing, procuring, circulating Fake Indian Currency Notes. Material on record discloses that the petitioner was arrested with a sum of Rs.44,000/- Fake Indian Currency Notes when the raid took place at Ramesh Park, Laxmi Nagar on 20.12.2019. The recovery of laptop from the petitioner discloses that the laptop was used by accused Danish to design the fake currency notes. The Call Detail Records shows that all the accused were in constant touch with each other.

4. It is stated that a supplementary charge sheet is likely to be filed. Charges are yet to be framed. The petitioner is alleged of committing extremely serious offence which has the effect of crippling the economy of the country.

5. The process of making fake currency notes has reached a level of immaculate sophistication due to which these fake currency notes are indistinguishable from real currency notes and have become a high profiteering business. Circulation of fake currency notes is severely detrimental to the economy and hampers the financial regulation of the country. The production of counterfeit currency notes often stems from dissatisfaction with a country's growth, and is therefore, aimed at financially disintegrating and destabilising the steady equilibrium of liquidity in the economy. Counterfeiting of currency notes breeds drug smuggling, purchase of illegal arms and ammunition, funding of undesirable terrorist outfits, cross-border money laundering, human

trafficking and various other phenomena. It has a disastrous effect on the economy.

6. Sections 489A, 489B, 489C, 489D and 489E were specially inserted by the legislature in the IPC to protect the economy of the country.

7. The Supreme Court in K Hashim v. State of Tamil Nadu, (2005) 1 SCC 237, has explained the legislative intent of the provisions pertaining to counterfeiting of currency. Paragraph 46 to 50 of the said judgement reads as under:-

"46. Sections 489-A to 489-E deal with various economic offences in respect of forged or counterfeit currency notes or banknotes. The object of the legislature in enacting these provisions is not only to protect the economy of the country but also to provide adequate protection to currency notes and banknotes.

47. Section 489-A not only deals with complete act of counterfeiting but also covers the case where the accused performs any part of the process of counterfeiting. Therefore, if the material shows that the accused knowingly performed any part of the process of counterfeiting, Section 489-A becomes applicable.

48. Similarly Section 489-B relates to using as genuine forged or counterfeited currency notes or banknotes. The object of the legislature in enacting this section is to stop the circulation of forged notes by punishing all persons who knowing or having reason to believe the same to be forged do any act which could lead to their circulation.

49. Section 489-C deals with possession of forged or counterfeit currency notes or banknotes. It makes possession of forged and counterfeited currency notes

or banknotes punishable. Possession and knowledge that the currency notes were counterfeited notes are necessary ingredients to constitute offence under Sections 489-C and 489-D. As was observed by this Court in State of Kerala v. Mathai Verghese [(1986) 4 SCC 746 : 1987 SCC (Cri) 3 : AIR 1987 SC 33] the expression "currency notes" is large and wide enough in its amplitude to cover the currency notes of any country. Section 489-C is not restricted to Indian currency note alone but it includes the dollar also and it applies to American dollar bills.

50. The wording of Section 489-D is very wide and would clearly cover a case where a person is found in possession of machinery, instrument or materials for the purpose of being used for counterfeiting currency notes, even though the machinery, instruments or materials so found were not all the materials particular (sic) required for the purpose of counterfeiting."

8. The case of the petitioner is that other co-accused had been granted default bail. However, this Court is of the opinion that the petitioner cannot claim parity with them. The petitioner is accused of offences under Section 489A, 489B, 489C, 489D, 489E and 120B. The charges are yet to be framed. As stated earlier, the petitioner is a part of the well-oiled machinery/syndicate dealing in printing and circulation of fake currency notes and it has the propensity of having a disastrous effect on the country's economy. The nature of the activity, the chances of the petitioner absconding/jumping bail or continuing to indulge in the same activity on release cannot be ruled out at this juncture. The petitioner has been found in possession of Fake Indian Currency Notes

and the purpose of these fake currency notes were meant for circulation lest there is no point having counterfeit currency notes. Maximum punishment for offence under Section 489D is imprisonment for life. This Court is therefore not inclined to grant bail to the petitioner at this stage.

9. The application is dismissed with above observations.

SUBRAMONIUM PRASAD, J

AUGUST 23, 2021
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