

IN THE CITY CIVIL AND SESSIONS COURT AT AHMEDABAD**NIA-CRIMINAL MISC. APPLICATION NO.11 OF 2021.****Applicant :**

1. SANJAYKUMAR MOHANLAL DEVALIYA

(Presently in Central Jail, Sabarmati, Ahmedabad)

VERSUS**Opponent:**

1. STATE OF GUJARAT (N.I.A.)

Appearance:

Applicant – Party in person.

Learned Spl.P.P. Shri M.G.Kapadia for the opponent.

Judgment

1. Present application has been preferred by the present applicant / accused for the purpose of releasing the applicant / accused on temporary bail for the period 30 days.
2. Brief facts of the prosecution case is that on 19.10.2018 at about 20.30 hours the applicant/accused was intercepted at Junagadh S.T.Bus Stand by the ATM, Gujarat on the source information shared by NIA, Mumbai that one person namely Sanjay Devaliya who hails from Junagadh has travelled from West Bengal by carrying Fake Indian Currency Notes (FICN) with him to circulate it in Junagadh and other parts of India and after the personal search of the applicant, in presence of two independent witnesses, he found to be in possession of Fake Indian Currency Notes, having its face value as Rs.1,52,000/- in denomination of Rs.2,000/-(53 notes) and Rs.500/-(92 notes) and accordingly case was registered by the ATS police station, Ahmedabad bearing Cr.No.01/2018 under Section 489(B), 489(C) and 120(B) of IPC and on

19.11.2018, the said case was transferred to NIA vide Government of India, Ministry of Home Affairs (CTCR Division) Order F.No.11011/74/2018/NIA, dated 16.11.2018 and it was re-registered as RC-35/2018/NIA/DLI at NIA Police Station, New Delhi and the investigation was entrusted to NIA, Mumbai Branch.

3. It is submitted by the applicant that he is in judicial custody since 30 months. It is further submitted by the applicant that his entire family is found Covid positive and there is no availability of admission in the hospital and therefore, they are quarantined and being treated at home. It is also submitted by the applicant that his mother is also suffering from Hernia and presently due to covid, her oxygen level is very low. It is further submitted by the applicant that there is no one in his family who can take care of his mother, wife and children and there has arisen a need to arrange finances for his family. It is further submitted that the applicant has abided the terms and conditions which ever was imposed upon the applicant by the Hon'ble Court in the previous temporary bail granted to the applicant. The applicant has further submitted that he will make his best efforts to produce the medical document through the Special P.P and hence, under the aforesaid grounds, the applicant has prayed to release the applicant on temporary bail for period of 30 days.
4. The Court has issued notice to the Special PP and Ld. SP PP has advanced the arguments through video conferencing. Reply to the application has been preferred by the Ld. SP. PP vide Exh.02.
5. Heard the accused and the Ld.SP.PP through the video conference on 24.05.2021 and considered the submission placed by both the sides.

6. During the course of arguments, Ld.Sp.P.P. has made submissions on the ground that present applicant was found in the possession of FCIN worth Rs.1,52,000/- and that the further investigation of the said case is in progress and supplementary chargesheet against the accused Tahir Shaikh is expected to be filed shortly and considering the cross border and interstate linkages, if the applicant/accused is released on temporary bail, he he may abscond and join the FICN syndicate again and therefore, also learned Sp.PP has prayed to reject the present application.
7. Considering the above argument of Ld.Sp.P.P. and also considering the contents of the application as well as reply Exh.02, it appears that offence against the present applicant (A/5) has been charged under Section 489(B), 489(C) and 120(B) of IPC and the case against the present applicant is registered as NIA Special Case No.1/2019. The applicant had preferred an application for temporary bail vide NIA Cr.M.A. 45/2020 which was on the same ground for arranging the finances for his family and look after the health issues of his wife and the same was rejected by this Court vide order dated 18.12.2020.
8. Considering the reply filed by the prosecution at Exh.2 as well as on the basis of the arguments advanced by the Ld.Sp.PP, it appears that role attributed on the applicant/accused is with regards to the conspiracy with other accused and travelling with the possession of Fake Indian Currency Notes in order to circulate in other parts of India and hence, considering the nature of offence and keeping in mind that no any sufficient reasons /grounds have been canvassed by the applicant for his release on temporary bail and hence, this Court does not deem

it fit to exercise discretion in favour of the applicant Hence, in the interest of justice, following Order is passed:-

:: ORDER ::

The present NIA Criminal Misc. Application 11 of 2021 preferred by **SANJAYKUMAR MOHANLAL DEVALIYA**, is rejected and disposed of.

Yadi be sent to the concerned Jail Authorities.
Yadi be also sent to the N.I.A.

Pronounced in the open Court today, on
25th May, 2021.

City Sessions Court,
Ahmedabad.
Date:25.05.2021

(Ms.Shubhada Krishnakant Baxi)
Special Judge (NIA), Ahmedabad.
Unique I.D.Code No.GJ00377