

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 17.03.2017

CORAM
THE HON'BLE MR.JUSTICE K.KALYANASUNDARAM

CRIMINAL OP. No.26966 of 2016

Barakath Ali

.. Petitioner

Vs

State by
The Deputy Superintendent of Police,
Counterfeit Currency Wing,
CBCID, Chennai
(Cr.No.2 of 2014)

.. Respondent

Prayer: Criminal Original Petition filed under Section 439 of the Criminal Procedure Code praying to grant bail to the petitioner in C.C.No.49 of 2014 on the file of the V Additional Sessions Court, Chennai) in Crime No.2/2014 (on the file of the CBCID C.C.Wing Chennai).

For Petitioner : Mr.S.Pugalenth

For Respondent : Mr.R.Rajarathinam, Public Prosecutor

ORDER

A counter affidavit has been filed by the Deputy Superintendent of Police/respondent incharge, Counterfeit Currency Wing, CBCID, wherein it has been stated as follows:-

"It is respectfully submitted that I, M.Sivanupandian, age 46 S/o.Muthupandi working as Deputy Superintendent of Police, Organised Crime Unit-I, CBCID, Chennai 8 in the capacity of being in charge of CBCID, Counterfeit Currency Wing, Chennai. Now I am the investigation officer in CBCID, Counterfeit Currency Wing, Chennai Cr.No.02/2014 U/s.489 B & C IPC r/w 25 (1-B) (a) of the Arms Act 1959, sections 15(1) (a) (iiia) r/w 16(1) of the Unlawful Activities (Prevention) Act 1967 and I am acquainted with the facts and circumstances of the case from available records.

2. It is respectfully submitted that on 03.06.2014 at 22:30 hrs Tr.E.Lyitdgzen, Inspector of Police, CC Wing, Chennai CBCID, reported before me with a special report along with the accused A-1, Rafiq @ Noorudeen, M/a.29/14, S/o.Siraj, No.444, Block No.23, Sathyamurthy Nagar, Vyasarpadi, Chennai 39 and A2 Shahul Hameed, M/a.24/14, S/o.Kaja Moideen, No.9/4, Rettaimalai Srinivasan Street, Erunkancherry, Chennai along with contraband counterfeit currencies worth Rs.7,90,000/- and a pistol with 2 magazine, 7.65 rounds 5 nos. In his special report he stated that on receipt of reliable information about counterfeit currency circulation, he and his party kept a watch at Erukanchery, Periyapalayathamman Temple and around 19.50 hrs they found the above mentioned accused with counterfeit currency notes and pistol-1, magazine-2, rounds-5. The Inspector of Police enquired them and arrested them

at 20.10 hrs, 20:45 hrs respectively and seized the above mentioned articles. On his special report, a case in Chennai, CBCID., CC Wing, Cr.No.2/2014 u/s489 B & C IPC r/w 25 (1-B) (a) of the Arms Act 1959 was registered. Further on the disclosure of A-1 Rafiq 100 Nos. of Rs.1000 denomination totally worth Rs.1,00,000/- counterfeit currency notes were seized from his residence and a cell phone from the accused-2 Shakul Hameed. Counterfeit Currency Rs.8,90,000/- in denominations of Rs.500 and Rs.1000 were seized from the accused 1 & 2".

2. Mr.P.Pugalenth, learned counsel appearing for the petitioner would submit that there are totally five accused in this case. Accused 1 & 2 had been arrested on 03.06.2014 and based on their statement, the case was registered. It is further submitted that on 20.06.2014, the petitioner was arrested and two Rs.1000/- fake colour notes are said to have recovered from him. Originally, the respondent registered a case under section 489 B and C IPC r/w 25(1-B)(a) of Arms Act and subsequently invoked under Section 15(1)(a)(iiia) and 16 (1) of the Unlawful Activities (Prevention) Act. Even if the respondent filed a case against the accused under the Provisions of Unlawful Activities Act, the petitioner can be granted bail. It is further submitted that the petitioner has been in judicial custody for more than three years and he is a permanent resident and he is ready to cooperate for the completion of the trial. It is

further submitted that on 10.12.2015 this Court issued a direction to the trial Court to complete the trial within a period of six months. But, as on date, only one witness has been examined by the prosecution.

3. Per contra the learned Public Prosecutor Mr.Rajarathinam would submit that the previous bail petition was dismissed only on 21.09.2016 and subsequently there is no change of circumstances to consider the application now. It is further submitted that the direction issued by this Court dated 10.12.2015 could not be complied with, for the only reason that the accused one after another filed discharge petitions and on disposal of the petitions, the trial Court commenced the trial on 14.03.2017 and now the case has been posted on 23.04.2017 for cross examination of PW1. It is further submitted that totally there are 39 witnesses and if the accused cooperate, the trial could be completed within a period of three months.

4. Considering the facts and the circumstances of this case, I am not inclined to grant bail to the petitioner and hence the criminal original petition is dismissed. However, the learned V Additional Sessions Judge, Chennai is directed to dispose of C.C.No.49 of 2014 as expeditiously as possible,

preferably within a period of three months from the date of receipt of a copy of this order.

17.03.2017

Index : Yes/No.
Internet:Yes/No
dpq

K.KALYANASUNDARAM,J
dpq

To

1. The Deputy Superintendent of Police,
Counterfeit Currency Wing,
CBCID, Chennai
2. The learned V Additional Sessions Judge,
Chennai
2. The Public Prosecutor,
High Court, Madras.

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