



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
( Criminal Jurisdiction )

Tuesday, the Twenty Eighth day of March Two Thousand Seventeen

PRESENT

**The Hon`ble Mr.Justice A.M.BASHEER AHAMED**

CRL OP(MD) No.3481 of 2017

DURAI @ CHINNA DURAI,

... PETITIONER/ ACCUSED No.1

Vs

THE STATE REP.BY  
THE INSPECTOR OF POLICE,  
ELAYANGUDI POLICE STATION,  
SIVAGANGAI DISTRICT.  
(CRIME NO.367 OF 2016)

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S.S.PALANI VELAYUTHAM Advocate

For Respondent : MR.P.KANDASAMY Govt. Advocate ( Crl. Side)

PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner / A1, who was arrested on 05.01.2017 for the offences punishable under Sections 120(b), 395, 397 r/w 34 of IPC in Crime No.367 of 2016 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner along with other accused by giving false promise to exchange old currency notes into a new one on the basis of 15% commission have taken away a sum of Rs.30 lakhs when the de facto complainant was going in a vehicle.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case.

4.The learned Government Advocate(Crl. Side) submitted that totally there are 30 accused and the petitioner is arrayed as A1 in this case. He also submitted that earlier bail applications filed by the petitioner were dismissed on 28.02.2017 and 08.02.2017 and except this petitioner, other accused were enlarged on bail and anticipatory bail. He further submitted that investigation is completed and final report is yet to be filed and no detention order is passed against the petitioner herein and the vehicle has not been seized by the respondent Police.



5.Considering the facts and circumstances of the case and considering the fact that investigation is completed and final report is yet to be filed and also the period of incarceration, this Court is inclined to grant bail to the petitioner. Accordingly, **the petitioner is ordered to be released on bail** subject to the following conditions:

- (i)the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties, each for a like sum to the satisfaction of the Judicial Magistrate, Elayangudi, Sivagangai District;
- (ii)the petitioner is directed to appear before the respondent police daily at 10.30 a.m. until further orders;
- (iii)the petitioner shall not tamper with the evidence or witness either during investigation or trial;
- (iv) the petitioner shall not abscond either during investigation or trial;
- (v)on breach of any of the aforesaid conditions, the Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005) AIR SCW 5560]**.

sd/-  
28/03/2017

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

NBJ  
TO

- 1 THE JUDICIAL MAGISTRATE  
ELAYANGUDI, SIVAGANGAI DISTRICT
- 2 THE CHIEF JUDICIAL MAGISTRATE  
SIVAGANGAI DISTRICT
- 3 THE INSPECTOR OF POLICE,  
ELAYANGUDI POLICE STATION, SIVAGANGAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 5 THE SUPERINTENDENT  
CENTRAL PRISON, MADURAI

+1. CC to M/S.S.PALANI VELAYUTHAM Advocate SR.No.18493

GJM/CM/MSA/SAR-2-28.3.17-2P-7C

ORDER  
IN  
CRL OP(MD) No.3481 of 2017  
Date :28/03/2017