



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

Tuesday, the Twenty Seventh day of February Two Thousand Eighteen
PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.3105 of 2018

1 SELVARAJ
2 SASIKUMAR

... PETITIONERS/ ACCUSED NO.3 AND 4
Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
CUMBUM SOUTH POLICE STATION,
THENI DISTRICT.
CRIME NO.57 OF 2018

... RESPONDENT / COMPLAINANT

For Petitioners: M/S.P.SENGUTTARASAN, Advocate
For Respondent : M/S.K.SUYAMBULINGA BHARTHI, Govt.Advocate(Crl.Side)

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

ORDER : The Court Made the following order :-

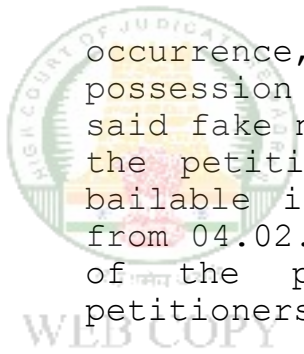
The petitioners / A3 & A4, who were arrested and remanded to judicial custody on 04.02.2018 for the offence punishable under Sections 489-B and 489-C I.P.C., in Crime No.57 of 2018, on the file of the respondent police, seek bail.

2.The case of the prosecution is that based on the secret information, the defacto complainant and the Village Administrative Officer went to the Cumbum to Cuddalore main road, at that time, they found that the accused persons are having possession of fake notes of Rs.2000/-. Hence, a case has been registered for the above said offences.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons, they have been falsely implicated in this case. They have not committed any offence as alleged by the prosecution. He further submitted that the petitioners are in judicial custody from 04.02.2018 onwards. Hence, he prays for bail.

4.The learned Government Advocate (Crl.side) appearing for the State submitted that totally there are seven accused in this case. The petitioners herein are arrayed as A3 and A4. During the time of occurrence, the petitioners herein along with first accused were found in possession of Rs.2,66,000/- fake currency notes in 2000 rupees denomination and the same were recovered by the respondent police. According to him, investigation is still pending.

5.The submissions made by the learned counsel appearing on either side are considered. It is alleged that during the time of



occurrence, the petitioners and the first accused were found in possession of fake notes of Rs.2000/-. According to prosecution, the said fake notes were recovered. Considering the offence committed by the petitioner, except Section 489 B I.P.C., other offences are bailable in nature. Now, the petitioners are in judicial custody from 04.02.2018 onwards. So, considering the period of incarceration of the petitioners, further custodial interrogation of the petitioners may not be necessary for completing the investigation.

6.Considering the above facts and circumstances, this Court is inclined to grant bail to the petitioners. Accordingly, the petitioners are ordered to be released on bail subject to the following conditions:

(i) the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) each with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Uthamapalayam, Theni District.

(ii) the petitioners are directed to appear before the respondent police daily at 10.30 a.m. for a period of three weeks, thereafter, as and when required.

(iii) the petitioners shall not tamper with the evidence or witness either during investigation or trial;

(iv) the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/-
27/02/2018

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE, UTHAMAPALAYAM, THENI DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
3. THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.
4. THE INSPECTOR OF POLICE,
CUMBUM SOUTH POLICE STATION, THENI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.P.SENGUTTUARASAN Advocate SR.No.3136

ORDER IN
CRL OP(MD) No.3105 of 2018
Date : 27/02/2018