



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.3106 of 2018

KATHIRESAN

... PETITIONER / ACCUSED NO.2

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
THENI POLICE STATION, THENI DISTRICT.
CRIME NO.120 OF 2018

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.P.SENGUTTUARASAN, 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 :-

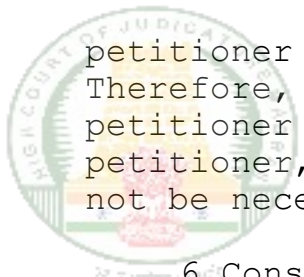
The petitioner/A2, who was arrested and remanded to judicial custody on 08.02.2018 for the offence punishable under Sections 489 (A) and 489(B) I.P.C., in Crime No.120 of 2018, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the defacto complainant is the Manager of the Tamil Nadu Mercantile Bank, Theni District. In the above said bank, the first accused deposited a sum of Rs.43,000/- fake notes in the account of the petitioner herein. Hence, a case has been registered for the above said offences.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person, he did not commit any offence as alleged by the prosecution. He has been falsely implicated in this case. He further submitted that the petitioner is in judicial custody from 08.02.2018 onwards. Hence, he prays for bail.

4.The learned Government Advocate (Criminal Side) appearing for the State submitted that 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 first accused in this case have deposited the fake notes to the tune of Rs.43,000/- in the petitioner's account. As per the averments made in the First Information Report, only the petitioner herein identified the person who deposited the said amount. As of now, all the accused in this case were arrested. The



petitioner is in judicial custody from 08.02.2018 onwards. Therefore, considering the nature of offence committed by the petitioner and also considering the period of incarceration of the petitioner, further custodial interrogation of the petitioner may not be necessary for completing the investigation.

6. Considering the above facts and circumstances, 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.25,000/- (Rupees Twenty Five Thousand Only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Theni, Theni 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/-
27/02/2018

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE, THENI, THENI DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE, THENI DISTRICT.
3. THE INSPECTOR OF POLICE,
THENI POLICE STATION, THENI DISTRICT.
4. THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.P.SENGUTTUARASAN Advocate SR.No.3137

ORDER IN
CRL OP(MD) No.3106 of 2018
Date : 27/02/2018