



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

Thursday, the Eighth day of March Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.3636 of 2018

KANNAN

... PETITIONER/A-7

Vs

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

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S.A.K.MANICKAM, Advocate

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

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

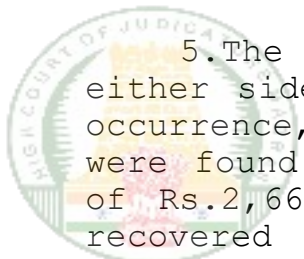
ORDER : The Court Made the following order :-

The petitioner/A7, who was arrested and remanded to judicial custody on 04.02.2018, for the offences punishable under Sections 489-B and 489-C I.P.C., in Crime No.57 of 2018, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that based on the secret information, on 04.02.2018, the respondent police conducted a raid near Aanaikulai in Cumbum-Gudalur Main Road, at that time, they found that A1 to A4 had possessed the counterfeit currency notes of Rs.2,66,000/-. 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 has been falsely implicated in this case, further added that he has not committed any offence as alleged by the prosecution. He further submitted that the petitioner is in judicial custody from 04.02.2018 onwards. Hence, he prays for bail.

4.The learned Government Advocate (Criminal Side) appearing for the State submitted that totally there are seven accused in this case. The petitioner herein is arrayed as A7. During the time of occurrence, the petitioner and other accused were found in possession of Rs.2,66,000/- counterfeit currency notes. According to him, a portion of the investigation is completed.



5. The submissions made by the learned counsel appearing on either side are considered. It is alleged that during the time of occurrence, the petitioner herein and other accused in this case were found in possession of counterfeit currency notes to the tune of Rs.2,66,000/-, in which, 10 numbers of 2000 Rupee notes were recovered through this petitioner. The petitioner is in judicial custody from 04.02.2018 onwards. According to prosecution, a portion of the investigation is completed. Since the property, which was necessary for completing the investigation is recovered, further custodial interrogation of the petitioner may not be necessary for completing the investigation. Thereby, considering the period of incarceration of the petitioner, 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, Uthamapalayam.

(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/-
08/03/2018

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE, UTHAMAPALAYAM.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
3. THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.
4. THE SUB 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.A.K.MANICKAM Advocate SR.No.3710

ORDER IN
CRL OP(MD) No.3636 of 2018
Date : 08/03/2018