



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

Thursday, the Fifth day of July Two Thousand Eighteen
PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD) No.11176 of 2018

WEB COPY

GURUMOORTHY @ MUMOORTHY

... PETITIONER/ SOLE ACCUSED

Vs

STATE REP.BY
THE INSEPCTOR OF POLICE,
THIRUMANGALAM TOWN POLICE STATION,
MADURAI DISTRICT.
CRIME NO.191/2018

... RESPONDENT / COMPLAINANT

For Petitioner : MR.A.JOSEPH JERRY, Advocate

For Respondent : Mr.A.CHANDRASEKARAN, Additional Public Prosecutor

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

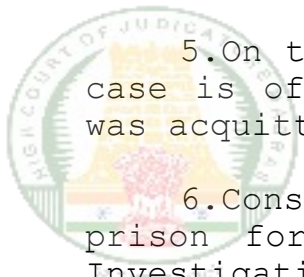
ORDER : The Court Made the following order :-

The petitioner/sole accused, who was arrested and remanded to judicial custody on 12.04.2018 for the alleged offences punishable under Sections 489 A, 489 C and 489 D of I.P.C., in Crime No.191 of 2018, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner was having fake notes for a sum of Rs.1,07,000/- (Rupees One Lakh and Seven Thousand only) in his hand to change into the market.

3.On the side of the petitioner, it is stated that Section 489 (A) is not made out as there is no allegation of counterfeit currency notes. It is further stated that Section 489 (C) is not made out as the accused did not use the counterfeit notes. The maximum allegation against the petitioner is that he was found in possession of counterfeit currency notes and Section 489 (C) is bailable and for the bailable offence, the petitioner was kept in custody for the past 85 days and the petitioner is 60 years aged person and he prayed to grant bail to the petitioner.

4.On the side of the respondent, it is stated that the petitioner was found in possession of counterfeit notes to the value of Rs.1,07,000/- (Rupees One Lakh and Seven Thousand only) and there are 15 previous cases against the accused throughout Tamil Nadu and Kerala. The petitioner is a habitual offender. In the previous case, Non Bailable Warrant is also pending. It is further stated that if he is released on bail, he may again abscond from the clutches of



5. On the side of the petitioner, it is stated that the previous case is of the year 1997 and in the previous case, the petitioner was acquitted.

6. Considering the facts that the petitioner is inside the prison for the past 85 days and considering the fact that the Investigation Agency has not completed investigation so far and also considering the age 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.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Thirumangalam, Madurai.

(ii) the petitioner shall report before the respondent police daily at 10.30 a.m. for a period of four weeks and thereafter, as and when required by the respondent police for interrogation.

(iii) the petitioner shall not tamper with 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 learned 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 petitioners released on bail by the learned 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/-
05/07/2018

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE, THIRUMANGALAM, MADURAI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.
3. THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.
4. THE INSEPCTOR OF POLICE,
THIRUMANGALAM TOWN POLICE STATION, MADURAI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to MR.A.JOSEPH JERRY Advocate SR.No.12214

ORDER IN
CRL OP(MD) No.11176 of 2018
Date :05/07/2018

MS/MMS/VK/06.07.2018/2P.7C