

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Seventh day of February Two Thousand Twenty

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.2592 of 2020

A.RASHID

[PETITIONER / ACCUSED]

Vs

THE STATE REP.BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
VADAVALLI POLICE STATION,
VADAVALLI, COIMBATORE,
COIMBATORE DISTRICT.
CR.NO.344 OF 2019.

For Petitioner : M/S.K.BALASUBRAMANIAM Advocate

For Respondent : MR.C.IYYAPPARAJ, ADDITIONAL PUBLIC PROSECUTOR

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner/A2, who apprehends arrest at the hands of the respondent- police for the alleged offences under Sections 420, 489(b), 120 (b) and 109 of IPC and Section 7 r/w 5 of the Specified Bank Notes (Cessation of Liabilities Act 2017) in Crime No.344 of 2019 on the file of the respondent-police, seeks anticipatory bail.

2.The case of the prosecution is that on 28.12.2019 on secret information, the respondent with prior permission of the Judicial magistrate went for a search of the premises of the petitioner, broke open one alimirah and found a secret room in which old currencies of thousand rupees notes of 268 bundles were found, thereby the respondent have seized the old currency notes which were under the custody of the petitioner and others which was concealed with a view to cheat the public. Hence the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and has not committed any offence as alleged by the prosecution. It is further submitted that the petitioner is a tenant under A-1's wife by virtue of a rental agreement dated 26.06.2019. The petitioner has no knowledge about the secret room inside the house which exists earlier to the agreement entered between the petitioner and the A-1. Further since the petitioner is an agreement holder the petitioner has been falsely implicated in the alleged occurrence. It is further brought to the notice of this Court that A1 had already been granted anticipatory bail by this Court in Cr1.OP.No.35047 of 2019 by an order dated 03.02.2020. Hence he prays for grant of bail.

4.The learned Additional Public Prosecutor would submit that the entire arrangement is intended to deceive the public, that the statement as recorded by the Investigating Officer indicate that the neighbours had suspicion that something wrong is happening in the building belonging to A1, and that the timely action of the police has prevented a major crime.

5.Taking into consideration the facts and circumstances of the case and submissions made on either side, this Court having already granted anticipatory bail to A-1 on similar set of facts, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his surrendering before the learned Judicial Magistrate No.VI, Coimbatore, within a period of fifteen days and on condition that the petitioner executes 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 respondent police or the police officer who intends to arrest or to the satisfaction of the said Magistrate, on further condition that:

(a) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

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

(c)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioner shall not abscond either during investigation or trial;

(e)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]; and;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
07/02/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.VI, COIMBATORE.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
VADAVALLI POLICE STATION,
VADAVALLI, COIMBATORE,
COIMBATORE DISTRICT.

+1 CC to M/S.K.BALASUBRAMANIAM Advocate on payment of necessary charges SR.No.2426

सत्यमेव जयते

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CRL OP.2592/2020
Date :07/02/2020

cs 12/02/2020