

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.08.2020

CORAM :

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.11882 of 2020

Kuppusamy

... Petitioner

Vs.

State Rep. by
The Inspector of Police
Kaniyur Police Station,
Tiruppur District.
Crime No.134 of 2020

... Respondent

PRAYER: This Criminal Original Petition filed under section 439 of Cr.P.C., seeking to enlarge the petitioner on bail pending investigation in Crime No.134 of 2020 on the file of the respondent police.

For Petitioner : Mr.P.Kalimuthu

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate (Cr1. Side)

O R D E R

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 13.06.2020 for the offence punishable under Sections 489B and 489C of IPC in Crime No.134 of 2020 seeks bail.

2. The case of the prosecution as per the defacto complainant Ismayil is that he is running a Grocery shop. While so, on 10.04.2020, the petitioner had attempted to exchange counterfeit currency of Rs.500/- denomination. When the defacto complainant raised suspicion, the petitioner escaped from the place leaving behind three more counterfeit notes. Thereafter, the petitioner was arrested on 13.06.2020 and totally 10 counterfeit notes of Rs.500/- denomination have been recovered from the petitioner. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. Though the alleged offence is stated to have been committed on 10.04.2020, the petitioner was arrested on 13.06.2020 and he has been in custody for more than 50 days. Hence, he prays for grant of bail to the petitioner.

4.The learned Government Advocate (Crl. Side) would submit that the petitioner attempted to exchange counterfeit currency notes during Covid period and he was arrested on 13.06.2020 and 10 nos. of Rs.500/- denomination have been recovered from him. He would further submit that the investigation is pending. Hence, he opposed for the grant of bail to the petitioner.

5.Taking into consideration of the facts and circumstances and the submissions made by the learned counsels and considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) Accordingly, the petitioner is ordered to be released on bail on condition to execute his own bond for a sum of Rs.10,000/- (Rupees ten thousand only), before the Superintendent of the concerned prison, in which the petitioner has been confined and thereafter on his release;

(b) the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the learned District Munsif cum Judicial Magistrate, Madathukulam, within a period of two weeks after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, failing which the bail granted by this Court shall stand dismissed automatically;

(c) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(d) the petitioner shall report before the respondent police daily at 10.30 a.m. and 5.30 p.m. until further orders.

(e)the petitioner shall not commit any offences of similar nature;

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

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

(h)On breach of any of the aforesaid conditions, the learned Judicial 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 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];

(i)If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

6. With the above directions, this Criminal Original Petition is ordered.

-sd/-

06/08/2020

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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, MADATHUKULAM.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
KANIYUR POLICE STATION,
TIRUPPUR DISTRICT.

4 THE OFFICER INCHARGE,
SUB JAIL, TIRUPPUR

CC to M/S.P.KALIMUTHU Advocate on payment of necessary charges

CRL OP.11882/2020

Date :06/08/2020

RVR 14/09/2020