

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.08.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.Nos. 12560, 12160 & 12370 of 2020

Alagudurai (M/34),

S/o.Sellamuthu,

Amman Nagar, Palanisamy Nagar 3rd Street,

Pooluvapatti,

Tiruppur District.

... Petitioner/2nd Accused

in Crl.O.P.No.12560/2020

Prabhu (M/28) (A1),

S/o.Dhanavel,

No.317, Perundurai Road,

Kunnathur, Perundurai Kunnathur,

Erode - 638103.

... Petitioner/1st Accused

in Crl.O.P.No.12160/2020

Kanniyappan (34) (A3)

S/o.Samiyappan,

5/1635, Nehru Nagar, Pooluvappatti Post,

Thottipalayam, Tiruppur North,

Tiruppur - 641 602.

... Petitioner/3rd Accused

in Crl.O.P.No.12370/2020

Vs.

The State represented by,

The Inspector of Police,

Nambiyur Police Station,

Erode District.

(Crime No. 302 of 2020)

... Respondent/Complainant

in all petitions

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioners on bail in Crime No.302 of 2020, on the file of the respondent police.

For Petitioners : Mr.S.Duraisamy
for Mr.V.Elangovan
in CrI.O.P.No.12560/2020
: Mr.J.Franklin
in CrI.O.P.No.12160/2020
: Mr.C.S.Saravanan
in CrI.O.P.No.12170/2020
For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate (CrI. Side)
in all petitions

O R D E R

(The case has been heard through video conference)

The petitioners/A1 & A2, who was arrested and remanded to judicial custody on 23.06.2020 for the offences punishable under Sections 489-B, 489-C of IPC and the petitioner/A3, who was arrested and remanded to judicial custody on 25.06.2020 for the offences punishable under Sections 489A, 489B, 489C of IPC, in Crime No. 302 of 2020 on the file of the respondent police, seek bail.

2 The case of the prosecution as per the defacto complainant viz., Sivaprakash is that he is running a Grocery shop and that on 23.06.2020, two persons had come in a two wheeler and one person had come to the shop and purchased garlic and given Rs.500/- note, suspecting it to be a counterfeit note, the defacto complainant along with the people around have apprehended A1 and he was found to be in possession of five counterfeit notes of Rs.500/- denomination and second accused, who was sitting in the motor cycle was also searched and he was found to be in possession of six notes. Later, during the course of the investigation it was found that A3, who is a printer had printed the notes and handed it over to the other accused.

3 The learned counsel appearing for the petitioners in CrI.O.P.No.12560 & 12160 of 2020 would submit that the petitioners were found to be in possession of a minimum quantity of five notes each and that offence cannot made out against them for having printed the notes. He would submit that A1 & A2 are relatives.

4 The learned counsel appearing for the petitioner in CrI.O.P.No.12370/2020 would submit that the petitioner is running a press and that he has been falsely implicated in this case.

5 The learned Government Advocate appearing for the respondent would submit that the petitioners in CrI.O.P.Nos.12370/2020 is running a press and printed counterfeit notes and it was attempted to circulate through A1. He would submit
<https://hsevisitors.com/govt/hsevisitors/> found to be in possession of six counterfeit notes

of Rs.500/- denomination, Alagudurai/A2 was found to be in possession of five counterfeit notes of Rs.500/- denomination and Kanniyappan/A3 was found to be in possession of 112 counterfeit notes of Rs.500/- denomination. Hence, he opposed to grant bail to the petitioners.

6 Taking into consideration the facts and submissions made by the learned counsels and considering the fact that number of counterfeit notes of Rs.500/- denomination recovered from A3, this Court is not inclined to grant bail in respect of the third accused viz., Kanniyappan. Hence, the CrI.O.P.No.12370/2020 stands dismissed for the present.

7 Taking into consideration the facts and submissions made by the learned counsels and considering the fact that Prabhu/A1 & Alagudurai/A2 are in jail from 23.06.2020, this Court is inclined to grant bail to in respect of Prabhu/A1 & Alagudurai/A2 subject to the following conditions:-

(a) Accordingly, the Petitioners/A1 & A2 in CrI.O.P.Nos.12560 & 12160 of 2020 are ordered to be released on bail on executing their own bond for a sum of Rs.10,000/- (Rupees ten thousand only), before the Superintendent of the concerned prison, in which the Petitioners have been confined and thereafter on their release;

(b) the petitioners in CrI.O.P.Nos.12560 & 12160 of 2020 shall execute two sureties, each for a sum of Rs.10,000/- (Rupees Ten Thousand only), before the learned Judicial Magistrate No.II, Gobichettipalayam, within 15 days from the date of lifting of the lock down or the commencement of the Court's normal functioning or which ever 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 petitioners in CrI.O.P.Nos.12560 & 12160 of 2020 shall on release from prison report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter every Monday at 10.30 a.m., until further orders.

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

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

(g) the petitioners 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 abscond, a fresh FIR can be registered under Section 229A IPC.

6 With the above directions, CrI.O.P.Nos.12560 & 12160/2020 are ordered.

-sd/-

24/08/2020

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 JUDICIAL MAGISTRATE,
NO.II,GOBICHEETIPALAYAM

2 THE SUPERINTENDENT,
CENTRAL PRISON,COIMBATORE

3 THE OFFICER INCHARGE
SUB-JAIL, ERODE

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
NAMBIYUR POLICE STATION,
ERODE DISTRICT.

+1 CC to M/S. V.ELANGO VAN Advocate on payment of necessary charges sr No.6011

CC to M/S. J.FRANKLIN Advocate on payment of necessary charges

CC to M/S. C.S.SARAVANAN Advocate on payment of necessary charges

CRL OP.12560,12160 & 12370/2020

Date :24/08/2020

RD 04/09/2020