

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.09.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No. 13488 of 2020

S.Mayan

... Petitioner/1st Accused

Vs.

The State represented by,
The Inspector of Police,
Palladam Police Station,
Tiruppur,
Crime No. 1825/2020

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail in the case pending investigation in Crime No.1825 of 2020, on the file of the respondent police.

For Petitioner : Mr.J.Kingsly Solomon

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate (Crl. 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 22.07.2020 for the offences punishable under Sections 489B, 489C of IPC in Crime No. 1825 of 2020 on the file of the respondent police, seeks bail.

2 The case of the prosecution as per the defacto complainant, who is a supervisor in Karanampettai Tasmac shop is that on 21.07.2020, the petitioner has handed over Rs.500/- note to buy liquor, the defacto complainant has suspected and on verification it was found that it was a counterfeit note and the petitioner has ran away from the place and the defacto complainant and two of his staff caught him and he was found in possession of 12 counterfeit notes of Rs.500/- denomination. Hence, the complaint.

3 The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and that the petitioner had gone to the Tasmac shop and that there was a quarrel between the sales man and the petitioner with regard to fixing higher prices for Government liquor and due to which, a false complainant

was given and the petitioner was arrested as if he was keeping counterfeit note in his pocket. He would submit that the petitioner is a permanent resident of Pechaammankoilpatti, Nakkalapattti, (PO), Usilampatti, Madurai and that there is no previous case against him. Hence, he prays to grant bail to the petitioner.

4 The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner had purchased liquor from the tasmac shop and handed over a counterfeit note and he was arrested in the same placed and on such he was found in possession of the 12 counterfeit notes of Rs.500/- denomination. He would further submit that there is no previous case pending against him. Hence, he opposed to grant bail to the petitioner.

5 Taking into consideration of the facts and circumstance of this case and also considering the fact that the petitioner is in jail from 22.07.2020, 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 executing 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 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, execute two sureties, each for a sum of Rs.10,000/- (Rupees Ten Thousand only), before the learned Judicial Magistrate, Palladam, 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 every day at 10.30 a.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 Petitioner in accordance with law as if the conditions have been imposed and the Petitioner 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

(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/-
04/09/2020

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,
PALLADAM.

2 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
PALLADAM POLICE STATION,
TIRUPPUR.

+1 CC to M/S.J.KINGSLY SOLOMON Advocate on payment of necessary charges SR.No.6134

WEB COPY

CRL OP.13488/2020

Date :04/09/2020

cs 08/09/2020