

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.09.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.13614 of 2020

Kanniyappan

... Petitioner/3rd Accused

Vs.

The State represented by,
The Inspector of Police,
Nambiyur Police Station,
Erode District.

(Cr.No.302 of 2020)

... Respondent/Complainant

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

For Petitioner : Mr.C.S.Saravanan

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 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, seeks bail.

2. The case of the prosecution is that the petitioner along with other accused printed Rs.500/- counterfeit currency notes and circulated it. 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. He would submit that this is 3rd application for bail and this Court taking into consideration, the number of counterfeit notes recovered from the petitioner, had dismissed the earlier two bail applications. However, this Court by order dated 24.08.2020, had granted bail to the co-accused /A1 and A2 vide Crl.O.P.Nos.12160 and 12560 of 2020. He would submit

that the petitioner has been suffering incarceration for more than 75 days from 25.06.2020. The petitioner has got permanent residence and he is prepared to appear before the respondent police for any kind of enquiry. Hence, he prays to grant bail to the petitioner.

4. The learned Government Advocate appearing for the respondent would submit that the petitioner was found in possession of 112 nos. of Rs.500/- counterfeit currency notes. He would submit that the investigation is pending and that he has to send the counterfeit notes to the Government currency press at Nashik and he has to get a report. Hence, he opposed to grant bail to the petitioner.

5. Taking into consideration of the facts and circumstances and the submissions made by the learned counsels and the fact that the main accused A1 and A2 have been enlarged on bail by this Court and also considering the period of incarceration by the petitioner from 25.06.2020, 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 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;

(b) Thereafter, 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-II, Gobichettipalayam, 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 on his release from prison, shall report before the respondent police daily 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 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/-
08/09/2020

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 NO.II,
GOBICHETTIPALAYAM.

2 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

3 THE JAILER,
SUB JAIL, ERODE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

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

CRL OP.13614/2020

Date :08/09/2020

MK:11/09/2020

<https://hcservices.ecourts.gov.in/hcservices/>