

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 28.10.2020

CORAM :

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

CRL.O.P.No.16720 of 2020

Pugalenth

... Petitioner

Vs.

The State

... Respondent

Rep.by the Inspector of Police,
Kunnathur Police Station,
Tirupur District.
(Crime No.1209 of 2020)

PRAYER: Criminal Original Petition filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in connection with Crime No.1209 of 2020 on the file of the respondent police pending investigation.

For Petitioner : M/s Ajmal Associates

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

ORDER

(The cases have been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 21.08.2020 for the offences punishable under **Sections 489 (B), 489(C) of IPC**, in Crime No.1209 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 was found in possession of 56 counterfeit notes of Rs.500/- denomination, totally Rs.28,000/-. 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 the petitioner is a resident of Madhurai and he had accompanied with A1, who is from his native, and the said A1 was attempting to exchange the counterfeit note and that he is not aware of the antecedents of A1. The petitioner was arrested along with A1 and he was remanded to the judicial custody. He would submit that the petitioner is

aged about 20 years, no case is pending against him and that the petitioner is in custody for a period of 69 days as on today (28.10.2020). Hence, he prays to grant bail to the petitioner.

4 The learned Government Advocate (Crl.Side) appearing for the respondent would submit the petitioner accompanied with A1 and they had attempted to exchange the counterfeit note in a grocery shop and on search, both of them were found in possession of 56 counterfeit notes of Rs.500/- denomination. He would submit that totally 56 counterfeit notes were recovered from the accused persons, out of which, 30 counterfeit notes were recovered from the first accused and 26 notes were recovered from the petitioner. He would further submit that as far as the first accused is concerned, he has got three previous cases and as far as this petitioner is concerned there is no previous case pending against him. However, he opposed to grant bail to the petitioner.

5 Heard the learned counsels and perused FIR.

6 Taking into consideration of the facts and circumstance of this case, considering the fact that there is no previous case pending against the petitioner and also considering the fact that the petitioner is in jail from 21.08.2020, 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 a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only), with two sureties, out of the two sureties, one surety should be either the father or mother of the petitioner, each for a like sum to the satisfaction of the learned District Munsif cum Judicial Magistrate, Uthukuli, and on further conditions that:

(b) 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;

(c) the petitioner shall report before respondent police everyday at 10.30 a.m., until further orders.

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

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

(f) 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.

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

-sd/-
28/10/2020

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, UTHUKULI.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
KUNNATHUR POLICE STATION,
TIRUPPUR DISTRICT.

5 THE JAILER,
DISTRICT JAIL, TIRUPPUR.

CC to M/S AJMAL ASSOCIATES Advocate on payment of necessary charges

CRL OP.16720/2020

Date :28/10/2020

TA-29/10/2020

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