

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.16797 of 2020

1.Rajkumar
2.Anandhan

... Petitioners

Vs.

State Rep.By
The Inspector of Police,
Kadathur Police Station,
Dharmapuri District.
(Crime No.832 of 2020)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Criminal Procedure Code to enlarge the petitioners on bail pending investigation in Crime No.832 of 2020 on the file of the respondent police.

For Petitioners : Mr.J.Pradeep

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

O R D E R

(The cases have been heard through video conference)

The petitioners, who were arrested and remanded to judicial custody on 09.09.2020 for the offences punishable under Sections 489A, 489B, 489C and 489D of IPC in Crime No.832 of 2020 on the file of the respondent police, seeks bail.

2 The case of the prosecution as per the defacto complainant viz., Velusamy is that his mother is running vegetable shop and that on 29.08.2020, the accused had purchased some vegetables from his mother, given six fake Rs.100/- notes and had cheated his mother. Again, the accused/petitioners had come to the shop on 03.09.2020, the mother of the defacto complainant found that these are the accused persons who had cheated her, she had raised a hue and cry and therefore, nearby shop owners were attempted to apprehended them and they have escaped on their two wheeler. Therefore, based on the complaint given by the defacto complainant, the petitioners were arrested on 09.09.2020.

3 The learned counsel appearing for the petitioners would submit that the petitioner are innocent persons and they have been falsely implicated in this case. He would submit that the petitioners are residents of same village and that the first petitioner is running a xerox shop and the second petitioner is working under the first petitioner. He would further submit that due to the previous enmity, a false case has been foisted against them and that the petitioners are suffering incarceration from 09.09.2020. Hence, he prays to grant bail to the petitioners.

4 The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioners have taken color xerox of Rs.100/- notes and had attempted to circulate the fake notes as genuine and tried to cheat the mother of the defacto complainant. He would submit that the investigation is pending. Hence, he opposed to grant bail to the petitioner.

5 Heard both the learned counsel and perused FIR.

6 Taking into consideration the facts and submissions made by the learned counsels and the petitioners are in judicial custody from 09.09.2020, this Court is inclined to grant bail to the petitioners subject to the following conditions:

(a) Accordingly, the petitioners are ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate Court, Pappireddipatti, Dharmapuri District 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 petitioners shall report before respondent police everyday at 10.30 a.m., until further orders.

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

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

(f) 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.

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 JUDICIAL MAGISTRATE,
PAPPIREDDIPATTI, DHARMAPURI DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
DHARMAPURI [FOR INFORMATION]

3 THE JAILER,
SUB-JAIL, DHARMAPURI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
KADATHUR POLICE STATION,
DHARMAPURI DIST.

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

CRL OP.16797/2020

Date :28/10/2020

MK:29/10/2020