

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.11.2020

CORAM :

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

CRL.O.P.No.17209 of 2020

Kumar

... Petitioner

Vs.

State by

The Inspector of Police,
B4 Sevvapet Police Station,
Tiruvallur District.
(Crime No.2169 of 2020)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail, pending investigation in Crime No.2169 of 2020 on the file of the respondent police.

For Petitioner : Mr.S.D.Sasikumar

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 11.10.2020 for the offences punishable under Sections 489(b) and 489 (c) of IPC in Crime No.2169 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the de facto complainant one Selva Kumar, Supervisor of Tasmac shop is that on 11.10.2020, when he was in the Tasmac shop, the petitioner had handed over a 2000 rupees note and purchased liquor. Entertaining doubt, the sales man had looked into it and found that it was a counterfeit note and that the petitioner had escaped from the scene of occurrence. Based on the complaint, the case was registered and the petitioner was arrested on the same day and another 2000 rupees counterfeit note was also recovered from him.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would submit that there was a quarrel between the petitioner and the Supervisor of the Tasmac Shop with regard to fixing higher price and thereby, a false case has been foisted against him. He would submit that the petitioner is in custody from 11.10.2020.

4. The learned Government Advocate (Crl. Side) appearing for the respondent would vehemently oppose the grant of bail stating that the petitioner gave a counterfeit note and purchased liquor and later, it was found that it was a counterfeit note and that the petitioner has taken colour xerox of 2000 rupees notes. He would further submit that there is no previous case against the petitioner.

5. Taking into consideration the facts and submissions made by the learned counsels and also the period of incarceration suffered by the petitioner, 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 each for a like sum to the satisfaction of the Judicial Magistrate-II, Tiruvallur, 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, on his release from prison, shall report before the 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;

(g) 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];

(h) 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/-
09/11/2020

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, TIRUVALLUR.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVALLUR [FOR INFORMATION]

3 THE OFFICER INCHARGE
SUB-JAIL, TIRUVALLUR

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
B-4 SEVVAPET POLICE STATION,
THIRUVALLUR DISTRICT.

+1 CC to S/O.D.SASIKUMAR Advocate on payment of necessary charges
SR.No.7421

WEB COPY

CRL OP.17209/2020

Date :09/11/2020

cs 10/11/2020