



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 12/08/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.6966 of 2020

Mahendran,

... Petitioner/Sole Accused

Vs

State rep. By its
The Inspector of Police,
Kallidaikurichi Police Station,
Tirunelveli District
Crime No.271/2020.

... Respondent/Complainant

For Petitioner : M/s.S.Krishnan,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

For Bail in Crime No.271 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

Totally there are three accused in this case. The petitioner/first accused herein was arrested and remanded to Judicial Custody on 06.05.2020 for the offences punishable under Sections 489(B) and 489(C) of I.P.C.

2.The case of the prosecution is that the de-facto complainant is running a hotel, on the date of occurrence, the petitioner came to the hotel and gave Rs.100/- fake currency note to the de-facto complainant, for his purchase. Hence, the complainant.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. He would further submit that the petitioner is in judicial custody for the past 90 days.

4.The learned Government Advocate(Crl.Side) appearing for the State would submit that totally a sum of Rs.1,00,000/- was involved in the offence and a sum of Rs.64,000/- was recovered from this



petitioner/A1. He would further submit that no final report has been filed till date.

5.Taking into consideration the facts and circumstances of the case and also taking into consideration the period of incarceration, this Court is inclined to grant bail to the petitioner by imposing conditions.

6.Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Ambasamudram, Tirunelveli District.

[a] the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

[b]the petitioner shall report before the respondent police once in a week i.e., on every Monday at 10.30 a.m., until further orders.

[c]the petitioner shall not abscond either during investigation or trial.

[d]the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e]On breach of any of the aforesaid conditions, the learned 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]**.

[f]If the petitioner/accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

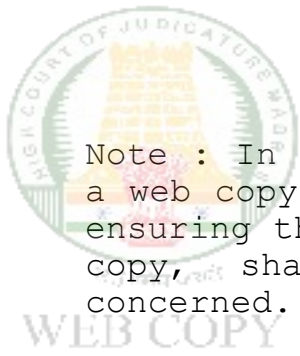
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12/08/2020

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI

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



Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. Judicial Magistrate,
Ambasamudram, Tirunelveli District.
2. Do-Through The Chief Judicial Magistrate,
Thirunelveli District.
3. The Superintendent, Central Prison,
Palayamkottai, Tirunelveli District.
4. The Inspector of Police,
Kallidaikurichi Police Station,
Tirunelveli District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER IN
CRL OP(MD) No.6966 of 2020
Date : 12/08/2020

TR/VR/SAR-II(12.08.2020) 3P 6C