



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13/07/2020

WEB COPY

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD). No.7046 of 2020

1. Mohamed Ibrahim
2. Mohamed Nazurudeen

... Petitioners/3rd & 4th Accused

Vs

State Rep.by
The Inspector of Police,
Thirumayam Police Station,
Thirumayam,
Pudukottai District.
Crime No. 180/2020.

... Respondent/Complainant

For Petitioners : M/s.K.C.Maniyarasu,Advocate.
For Respondent : Mr.M.Chandrasekaran,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No. 180 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners herein were arrested and remanded to judicial custody on 16.05.2020 for the alleged offences under Sections 489 (c) @ 120(b), 489(A), 489(B),489(C), 489(D) of IPC, seeks bail

2. The case of the prosecution is that A1 in this case attempted to buy liquor bottle by giving Rs.200/- counterfeit currency in the wine shop. Based on the complaint given by the employee of the tasmac shop, a case has been registered.

3. The learned counsel for the petitioners would submit that the petitioners are auto drivers and they have been falsely implicated in the above case. He would also submit that nothing has been recovered from the petitioners herein. He would also submit that A5 in this case from whom currency was recovered was released on bail by the Sessions Court.



4. The learned Additional Public Prosecutor would submit that there are totally six accused in this case and the petitioners herein exchanged Rs.200/- counterfeit currency in the wine shop to buy liquor. He would also submit that A5 in this case from whom currency was recovered was released on bail by the Sessions Court.

5. Taking note of the above facts and circumstances of the case and also taking note of the fact that no recovery has been made from the petitioners and also the fact that A5 from whom currency was recovered was released on bail by the Sessions Court, this Court is inclined to grant bail to the petitioners subject to the following conditions:

6. Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Thirumayam.

i) 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

ii) the petitioners shall report before the respondent police on every Monday at 10.30 a.m until further orders.

iii) the petitioners shall not tamper with evidence or witness.

iv) the petitioners shall not abscond during trial.

v) On breach of any of the aforesaid conditions, the learned 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].

vi) If the petitioners/accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-

13/07/2020

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

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. THE JUDICIAL MAGISTRATE, THIRUMAYAM.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI DISTRICT.
3. THE OFFICER INCHARGE,
PUDUKKOTTAI DISTRICT JAIL, PUDUKKOTTAI.
4. THE INSPECTOR OF POLICE,
THIRUMAYAM POLICE STATION, THIRUMAYAM,
PUDUKOTTAI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.7046 of 2020
Date :13/07/2020

MS/JC/SAR-2/14.07.2020/3P.6C