



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

Date : 14/09/2020

PRESENT

The Hon'ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.9738 of 2020

Aliakbar

... Petitioner/2nd Accused

Vs

The State rep. by
The Inspector of Police,
Paramakudi Town Police Station,
Paramakudi,
Ramanathapuram District.
(Crime No.436 of 2020).

... Respondent/Complainant

For Petitioner : M/s.B.Prahalad Ravi,
Advocate.

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

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

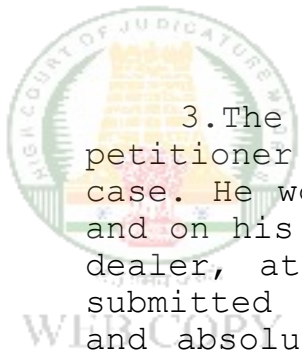
PRAYER :-

For Bail in Crime No.436 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner herein was arrested and remanded to judicial custody on 01.09.2020 for the alleged offences under Sections 489(B) of IPC

2.The petitioner herein arrayed as A2. The case of the prosecution is that A1 in this case deposited a some amount in the defacto complainant bank and while counting money the defacto complainant came to know that a sum of Rs.10,000/- is counterfeit currency note. Hence Crime was registered against A1 . Based on the confession given by A1, the petitioner herein was arrested.



3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would also submit that the petitioner was working in Dubai and on his return he exchanged money in the private Foreign Exchange dealer, at that time the money has been given to him. Further he submitted that he has given that amount to purchase some hardware and absolutely he has no knowledge about the counterfeit currency note and he has been falsely implicated.

4.The learned Government Advocate(Criminal Side) would submit that the petitioner was found in possession of counterfeit currency notes which was received from A1. Except the amount paid to A1, no amount has been recovered.

5.Considered the rival submission and perused the materials on record. It is seen from the materials available on record and the submission of the petitioner that the petitioner was employed in Dubai and while he exchanged the foreign currency at Dubai the counterfeit notes has been given to him and without any knowledge about the same, A1 has deposited the same in the bank.

6.Taking note of the above 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 subject to the following conditions:

7.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, Paramakudi, Ramanathapuram District.

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 petitioner shall report before the respondent police daily at 10.30 a.m until further orders.

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

iv)the petitioner 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 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].



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

sd/-
14/09/2020

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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,
PARAMAKUDI,
RAMANATHAPURAM DISTRICT.
2. -DO- THROUGH: THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
3. THE OFFICER IN CHARGE,
SUB JAIL,
PARAMAKUDI,
RAMANATHAPURAM DISTRICT.
4. THE INSPECTOR OF POLICE,
PARAMAKUDI TOWN POLICE STATION,
PARAMAKUDI,
RAMANATHAPURAM DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.9738 of 2020
Date :14/09/2020

AAV
SRS/ JC/ SAR-IV/ 14.09.2020/ 3P/6C

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