



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

Date : 30/12/2020

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.16133 of 2020

1. Eswaran
2. Mani

... Petitioners/Accused 3 & 5

Vs

State Rep.by
The Inspector of Police,
Koodalpudur Police Station,
Madurai City.
Crime No.1730 Of2020

... Respondent/Complainant

For Petitioners : Mr.PThambidurai, Advocate.
For Respondent : Mr.Seenivasan,
Government Advocate (Crl.Side)

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

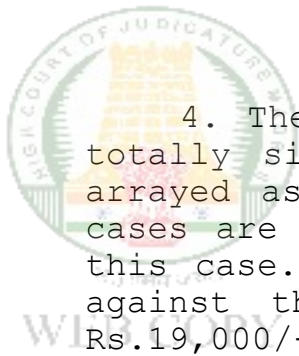
PRAYER :- For Bail Crime No.1730 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A3 & A5, who were arrested and remanded to judicial custody on 26.11.2020 for the offences punishable under Section 489(b) of IPC on the file of the respondent police seeks bail.

2.The case of the prosecution is that the defacto complainant is running a grocery shop at Melapanangadi and on 24.11.2020 A1 came to the shop of the defacto complainant for purchasing oil and gave Rs.500/-which was suspected by the de-facto complainant and handed over A1 to the respondent police. After enquiry it came to know that A1 with the help of these petitioners used the counterfeit currency note as genuine and circulated among the public.

3.The learned counsel for the petitioners would submit that the petitioners are innocent and no way connected with the alleged offence. He would also submit that based on the confession statement given by A-1, these petitioners have been falsely implicated in this case.



4. The learned Government Advocate(Crl.Side) would submit that totally six accused in this case and the petitioners herein are arrayed as A3 and A5. He would also submit that seven previous cases are pending against A1 and A2, who are the prime accused in this case. He would also submit that no previous case is pending against the petitioners. He would also submit that a sum of Rs.19,000/- and Rs.1,00,000/- was received from A1 and A2 and the investigation is almost over.

5. Taking note of the above facts and circumstances of the case and also taking into consideration the period of incarceration and also taking note of the fact that no previous case is pending against the petitioners and also the fact that the investigation is almost over, 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.10,000/- (Rupees Ten Thousand only) each with two blood sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.IV, Madurai

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 daily 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.

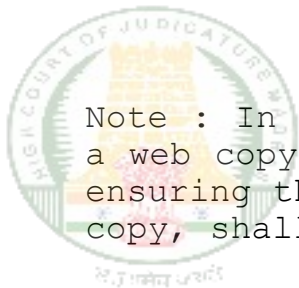
v) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down 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/-
30/12/2020

/ TRUE COPY /

/ /2020
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 NO.IV, MADURAI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE SUPERINTENDENT,CENTRAL PRISON,
MADURAI.
4. THE INSPECTOR OF POLICE,
KODALPUDUR POLICE STATION, MADURAI CITY.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.P.THAMBIDURAI, Advocate (SR-8579[I] dated 30/12/2020)

ORDER
IN
CRL OP(MD) No.16133 of 2020
Date :30/12/2020

MS/PN/SAR-3/30.12.2020/3P.7C