

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.04.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

CrI.O.P.No.7888 of 2021

Chellaram Kumavar

... Petitioner

Vs.

State represented by its,
The Inspector of Police,
C-2, Elephant Gate Police Station,
Chennai.

... Respondent

PRAYER: Criminal Original petition has been filed under Section 439 of Cr.P.C, prayed to release the petitioner on bail pending investigation in Crime No.42 of 2021 on the file of the respondent.

For Petitioner : Mr. P. Kumaresan

For Respondent : Mrs.M.Prabhavathi
Additional Public Prosecutor

ORDER

The petitioner who was arrested on 14.03.2021 and remanded to judicial custody for the offences under Sections 489(B) and 489(C) of I.P.C in Cr.No.42 of 2021 on the file of the respondent police, seeks bail.

2.Totally there are three accused in this case and the petitioner is A3. The case of the prosecution is that the petitioner along with other accused were found in possession of counterfeit notes in his pant pocket. Totally 718 numbers of 500 rupees and 468 numbers of 100 rupee counterfeit notes and one number of 2000 counter feit note. Hence the complainant.

3. The learned counsel for the petitioner submits that the petitioner as per the instructions given by A2 has agreed to keep a bag which contains some valuables and he was not aware of the fact that the bag contains counter feit notes. He further submits that without prejudice to their defence and contentions, the petitioner, on his own volition, is ready to deposit Rs.2,50,000/- to The Health Secretary, Government of Tamil Nadu for the purchase of Covid vaccine. Therefore, he prays to grant bail to the petitioner.

4. The learned Additional Public Prosecutor submits that the petitioner colluded with other two accused were in possession of counterfeit notes worth about Rs.4,07,800/- She further submits that investigation is almost completed. Hence, she vehemently opposed for grant of bail to the petitioners.

5. Taking into consideration the fact that investigation is almost completed and also considering the period of incarceration suffered by the petitioner, and also the fact that the petitioner, on his own volition and willingness is ready to pay cost as may be ordered by this Court to any charitable institution, this Court is inclined to grant bail to the petitioner.

6. Accordingly, the petitioner is ordered to to be released on bail, his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only), with two sureties, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned VIII Metropolitan Magistrate at George Town, Chennai and on further condition that:

(a) the petitioner shall to pay a sum of Rs.2,50,000/- (Rupees two lakhs and fifty Thousand Only) either through RTGS/NEFT/Cash/Demand Draft in favour of " The Health Secretary, Government of Tamil Nadu for the purchase of Covid vaccine and produce proof of such payment of the above amount to the VIII Metropolitan Magistrate at George Town, Chennai, at the time of release on bail;

(b) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c) the petitioner shall report before the respondent police, daily at 10.30 a.m for a period until further orders

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioner shall not abscond either during investigation or trial;

(f) 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]; and;

(g)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

30/04/2021

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 VIII METROPOLITAN MAGISTRATE,
GEORGE TOWN, CHENNAI

2 THE CHIEF METROPOLITAN
MAGISTRATE, EGMORE, CHENNAI (FOR INFORMATION)

3 THE COMMISSIONER OF POLICE,
GREATER CHENNAI.

4 THE INSPECTOR OF POLICE,
C-2, ELEPHANT GATE POLICE STATION,
CHENNAI.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.
CHENNAI.

7 THE HEALTH SECRETARY,
GOVERNMENT OF TAMIL NADU,
CHENNAI (FOR THE PURCHASE OF COVID VACCINE)

CC to M/S.P.KUMARESAN Advocate on payment of necessary charges
Sr.5608

CRL OP.7888/2021

Date :30/04/2021

RVR 03/05/2021