

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 08.01.2021

CORAM :

THE HON'BLE Mr. JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.19949 of 2020

Susil Biswal

... Petitioner

Vs.

State Rep. by
The Inspector of Police,
Palladam Police Station,
Tiruppur.
(Crime No.2252 of 2020) ... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.2252 of 2020 pending on the file of the Respondent.

For Petitioner : Mr.J.Franklin

For Respondent : Mrs.M.Prabhavathi,
Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 02.11.2020 for the alleged offence punishable under Section 489B of IPC in Crime No.2252 of 2020, seeks bail.

2. The case of the prosecution as per the *de facto* complainant is that the petitioner was found in possession of 20 nos. of 100 rupees counterfeit currency notes, which are the color xerox of the original note and exchanged the same in the grocery shop. Hence, the Complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would submit that the petitioner is an employee of a Textile Company and some unknown person was given the notes to him, believing the same as original notes, *bona fide* exchanged the notes. He would further submit that the petitioner is not involved in printing the counterfeit currencies. He would further submit that the petitioner is in judicial custody from 02.11.2020 and hence, he prays to grant bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would vehemently oppose stating that the petitioner was found in possession of 20 nos. of 100 rupees counterfeit notes and the same was seized. She would submit that all the counterfeit notes are the xerox of the original note and the petitioner deliberately, with the intention to use the counterfeit currencies, exchanged the notes in the grocery shop.

5. Heard the learned counsel for the petitioner as also the learned Additional Public Prosecutor appearing for the respondent. Perused the entire materials available on record.

6. Taking into consideration the facts and circumstances of the case and the fact that the petitioner is not involved in printing of currency and that the counterfeit notes are only the xerox of the original note and the same were seized by the respondent and also considering the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) Accordingly, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Palladam, and on further conditions that:

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioner, on his release from prison, shall report before the respondent police everyday at 10.30.a.m until further orders;

(d) the petitioner shall not commit any offences of similar nature;

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

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

(g) on breach of any of the aforesaid conditions, the learned Judicial 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];

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

7. With the above directions, this Criminal Original Petition is ordered.

-sd/-
08/01/2021

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 THE JUDICIAL MAGISTRATE,
PALLADAM.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR. [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
PALLADAM POLICE STATION,
TIRUPPUR.

CC to M/S J.FRANKLIN Advocate on payment of necessary charges

CRL OP.19949/2020

Date :08/01/2021

TA-11/01/2021

WEB COPY