

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.11.2021

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.21150 of 2021

Balasubramanian

... Petitioner/A-4

Vs.

The State by its
The Inspector of Police
Kottur Police Station,
Coimbatore District.
Crime No.71 of 2020

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to grant bail to the petitioner in Crime No.71 of 2020 on the file of the respondent police.

For Petitioner : Mr.W.Camyles Gandhi

For Respondent : Mr.N.S.Suganthan
Government Advocate

ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 21.10.2021 for the offences under Sections 489(B) and Section 489 (C) of IPC, in Crime No.71 of 2020, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 20.03.2020, on secret information regarding transit of counterfeit currency, the respondent police was conducting vehicle check up. At that time the accused were found in possession of counterfeit currency notes. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would submit that A1 to A3 have been granted bail by this Court in in Cr1.O.P.No.7771 of 2020 by order dated 28.05.2020

and that the petitioner has been suffering incarceration for more than 20 days from 21.10.2021. Hence he prays for grant of bail to the petitioner.

4. The learned Government Advocate raised formal objection stating that the petitioner/A4 is also conspired with the other accused.

5. Considering the fact that co-accused have been granted bail and the investigation is almost completed and also considering the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail on his executing 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-II, Coimbatore, and on further condition that:

(a) 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;

(b) the petitioner shall report before the respondent police, daily at 10.30 a.m. until further orders;

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

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

(e) 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;

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

-sd/-

11/11/2021

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,
NO.II, COIMBATORE.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE DISTRICT. [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
KOTTUR POLICE STATION,
COIMBATORE DISTRICT.

+1 CC to M/S. W.CAMYLES GANDHI Advocate on payment of necessary
charges SR.NO.12644

CRL OP.21150/2021

Date :11/11/2021

RW 12/11/2021