



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.11.2021

CORAM:

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

CrI.O.P.No.22778 of 2021

P.PONNUVEL

... Petitioner

Vs.

State rep. By
The Inspector of Police
MAGUDANCHAVADI Police station
Salem District
(Crime No.459 of 2021)

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No.459 of 2021, pending investigation 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 24.10.2021 for the offence under Sections 489(B), 489 (C) of IPC @ into Sections 489 (A), 489(B) and 489(C) of IPC, in Crime No.459 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 24.10.2021, when the respondent police officials were conducting vehicle check up, the 1st accused was found in possession of 43 notes of 200 rupee counterfeit currency (Totally a sum of Rs.8600/-) and the petitioner/A2 was found in possession of 120 notes of Rs.200/- counterfeit currency (Totally a sum of Rs.24,000/-) and on enquiry, it was found that they had received the said counterfeit currencies from the 3rd accused and they intended to circulate the same among the general public. Hence,



the complaint.

3. The learned counsel for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case and that the petitioner has been suffering incarceration for more than 30 days from 24.10.2021. He would further submit that the petitioner without prejudice to his rights and contention before the trial Court, is ready to pay a substantial amount to any charitable institution as may be directed by this Court and would pray for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) raised objection stating that the petitioner was found in possession of 120 notes of Rs.200/- counterfeit currency (Totally a sum of Rs.24,000/-) but admits that there is no previous case against him.

5. Considering the facts and circumstances of the case and considering the period of incarceration undergone by the petitioner and that the investigation is almost completed, 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, Sankari, and on further conditions that:

(a) the petitioner shall make non-refundable deposit a sum of Rs.10,000/- (Rupees Ten Thousand Only) through demand draft to the Legal Services Authority, Salem, without prejudice to his defence before the trial Court and the learned Judicial Magistrate, after perusing the challan/ receipt, shall accept the sureties furnished by the petitioner;

(b) 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. 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/-

30/11/2021

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, SANKARI

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
MAGUDANCHAVADI POLICE STATION,
SALEM DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM

6 THE OFFICER INCHARGE,
LEGAL SERVICE AUTHORITY,
SALEM.

7 THE SECRETARY
TAMILNADU STATE LEGAL SERVICES AUTHORITY,
HIGH COURT, MADRAS.

+1 CC to M/S. W.CAMYLES GANDHI Advocate on payment of necessary charges SR.No.13739

CRL OP.22778/2021

Date :30/11/2021

APN 30/11/2021