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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.12.2021

CORAM:

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

CrI.O.P.No.23782 of 2021

Chinnathambi

.. Petitioner

Vs.

The State,
Rep the Inspector of Police,
Magudamchavadi 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 pertaining to Crime No.459 of 2021 pending investigation on the file of the respondent police.

For Petitioner : Mr.R.Jayaprakash

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

ORDER

The petitioner who was arrested and remanded to judicial custody on 25.10.2021 for the offences under Section 489B and 489C of IPC, 1860 @ into Sections 489A, 489B and 489C 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 at about 1.00 hours, while the respondent police were on regular patrol duty, the petitioner along with other accused persons was found in possession of counterfeit currency. Hence, the complaint.

3. The learned counsel for the petitioner submits that the petitioner has not committed any such offence as alleged by the prosecution and he has been falsely implicated in this case. He further submits that the co-accused were already enlarged on bail by this Court in CrI.OP.Nos. 22032 and 22778 of 2021 dated 23.11.2021 and 30.11.2021 respectively. He further submits that the petitioner has been suffering incarceration for more than 45 days from 25.10.2021.



However, on instructions, he submits that the petitioner is ready and willing to pay a sum of Rs.10,000/- to any Charitable Institute as may be directed by this Court. Hence he prays for grant of bail to the petitioner.

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4. The learned Government Advocate (Cr1.Side) raised objection stating that the petitioner along with other accused persons was found in possession of counterfeit currency. He further submits that co-accused were already enlarged on bail by this Court in Cr1.OP.Nos. 22032 and 22778 of 2021 dated 23.11.2021 and 30.11.2021 respectively.

5. Considering the period of incarceration suffered by the petitioner and also considering the fact that the co-accused were already enlarged on bail and the petitioner has willfully and on his own volition agreed to contribute a sum of Rs.10,000/- for charitable purpose, 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 condition that:

(a) the petitioner is directed to deposit a sum of Rs.10,000/- (Rupees Ten thousand only) to the Registered Advocates Clerks Association, Salem, within a period of two weeks from the date of receipt of a copy of this order and shall produce the said receipt before the Court below;

(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.

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-sd/-

09/12/2021

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, SALEM DISTRICT.

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

3 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

4 THE INSPECTOR OF POLICE,
MAGUDAMCHAVADI POLICE STATION,
SALEM DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE REGISTERED ADVOCATE
CLERKS ASSOCIATION, SALEM.

+1 CC to M/S.R.JAYAPRAKASH Advocate on payment of necessary
charges SR.NO.14394

CRL OP.23782/2021

Date :09/12/2021

RW 09/12/2021