



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 04/02/2021

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.526 of 2021

Vijayamanickam

... Petitioner/Accused No.2

Vs

State Rep. by
The Sub Inspector of Police,
Thermal Nagar Police Station,
Thoothukudi District,
Crime No.105 of 2020.

... Respondent/Complainant

For Petitioner : Mr.A.Ramesh,
Advocate.

For Respondent : Mr.M.Ganesan,
Government Advocate (Crl.Side)

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

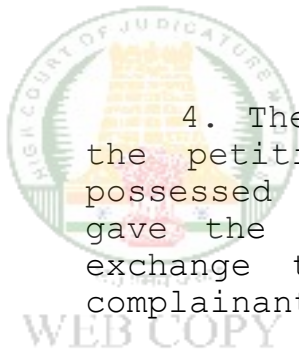
PRAYER :- For Bail Crime No.105 of 2020 on the file of the
Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A2, who was arrested and remanded to judicial custody on 10.12.2020 for the offence punishable under Section 420 of I.P.C on the file of the respondent police seeks bail.

2.The case of the prosecution is that the petitioner along with other accused persons has illegally possessed the demonetized Turkey country currency notes (Lira) and gave the same to the defacto complainant and compelled him to exchange the same as Indian currency and cheated the defacto complainant. Hence, the case.

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 further submitted that the co-accused 1 and 3 were already released on bail by this Court dated 01.02.2021 and 02.02.2021 in Crl.OP.(MD)No.1264 of 2021 and Crl.OP.(MD)No.982 of 2021. He further submitted that the petitioner is in custody for the past 56 days and the investigation may be completed by this time and hence, he prayed for grant of bail to the petitioner.



4. The learned Government Advocate(Crl.Side) would submit that the petitioner along with other accused persons has illegally possessed the demonetized Turkey country currency notes (Lira) and gave the same to the defacto complainant and compelled him to exchange the same as Indian currency and cheated the defacto complainant. Hence, he opposed to grant bail to the petitioner.

5. Taking note of the above facts and circumstances of the case and also taking into consideration the period of incarceration, this Court is inclined to grant bail to the petitioner subject to the following 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 blood sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Thoothukudi.

i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity

ii) the petitioner shall report before the respondent police daily at 10.30 a.m until further orders.

iii) the petitioner shall not tamper with evidence or witness.

iv) the petitioner shall not abscond during trial.

v) 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].

vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

04/02/2021

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant



TO

- 1 THE JUDICIAL MAGISTRATE NO.II,
THOOTHUKUDI.
- 2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
- 3 THE SUB INSPECTOR OF POLICE,
THERMAL NAGAR POLICE STATION,
THOOTHUKUDI DISTRICT.
- 4 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.526 of 2021
Date :04/02/2021

dss
JM/VR/SAR II/04.02.2021/3P/6C