



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

Date : 01/02/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.982 of 2021

1. Mohamed Askar
 2. Mohamed Riswan
- ... Petitioners/Accused No.4 & 5
-Vs-

1. State Rep.by
The Inspector of Police,
Thermal Nagar Police Station,
Thoothukudi District.
Crime No.105 of 2020.
2. The Inspector of Police,
CBCID, Tirunelveli District. ... Respondents/Complainants
(R2 Suo Motu Impleaded as Per Order of this Court
dated 25.01.2020 in CRL OP(MD)NO.982 of 2021 by MNKJ).

For Petitioners : Mr.H.Mohammed Imran, Advocate for
M/s.Ajmal Associates,
For Respondents : Mr.R.Srinivasan,
Government Advocate (Crl.Side)

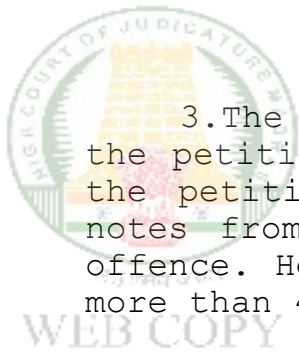
PETITION FOR BAIL Under Sec.439 of Cr.P.C.

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

ORDER : The Court made the following order :-

The petitioners/A4 and A5, who were arrested and remanded to
judicial custody on 10.12.2020 for the offence punishable under
Section 420 IPC on the file of the respondent police seek bail.

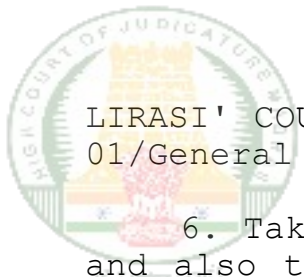
2.The case of the prosecution is that the petitioners were
found in illegal possession of five lakhs Turkey currency which is
valid 46 Crores of 40 lakhs of Indian Currency. The petitioners
herein got 90 Turkey Currency. The defacto complainant initially
refused to agree for any exchange of notes and thereafter he
purchased two notes by paying Rs.10,000/-. Thereafter the defacto
complainant approached the bank for converting the notes and he was
informed that the notes belongs to Turkey and it was valid upto
2006. Hence the complaint.



3.The learned counsel for the petitioners would submit that the petitioners are arrayed as A4 and A5 He would also submit that the petitioners are college students and they have purchased the notes from A1 only and they have nothing to do with the alleged offence. He would also submit that the petitioners were in jail for more than 40 days, hence they may be granted bail.

4. The learned Government Advocate(Crl.Side) would submit that the defacto complainant is a fisherman and on 10.12.2020 at about 2.00 pm., while he was near the Harbour all the accused persons came there with 30 Turkey country currency notes (Lira) and the Indian value of the above currency notes if Forty Six Crores and forty lakhs and they gave two currency notes (lira) to the defacto complainant and asked him to exchange it as Indian currency notes and the defacto complainant refused to do so, but the accused persons forcibly took Rs.2000/- from his shirt pocket and gave two Turkey Currency notes (Lira) and further they gave four such currency notes and told him, he has to give Rs.10,000/- for the four Turkey Currency notes(Lira) and the defacto complainant gave the currency notes to the police station and lodged complaint.

5. The Inspector of Police, Thermal Nagar Police Station, Thoothukudi has filed a status report, wherein he has stated that from the investigation and the confession recorded by Jeeva kumar it is seen that all the accused persons 1 to 5 with an intention to cheat the defacto complainant made him believe that the Turkish Lira was original and got 2000/- from him knowing well that the Turkish Lira was false and it was fake and demonetized currency. One of the accused Jeevakumar in his confession has stated that he received the Turkish Lira from the Unknown person in Coimbatore which contains "TORKIYA CUMHURIYET MERKEZ BANKASI 5,00,000 BESYUZ BIN TURK LIRASI". The offence committed by A1 to A5 was against the sovereignty of India and economy of the India. So they have to investigate the matter that who gave the amount to Jeeva Kumar or else he conspired with other accused persons and fabricated the currency notes. The same can be established only after proper investigation. On 26.12.2020 he received the order dated 11.12.2020 vide Chief Office Proceedings in RC No.8520677/Cr.3(2)/2020 to transfer the matter to the Crime Branch. The CBCID Inspector- General also ordered vide C.No.C1/39756/2020 to hand over all the files to the investigating officer who will be appointed by him on 21.12.2020. After that the Inspector General Crime Branch, vide R.C.No.Crime 1(1) 476014963;2020 dated 21.12.2020 and a letter from Inspector of Police, Crime Branch Investigation, Tirunelveli City dated 26.12.2020 and a letter from the Superintendent of Police, Thoothukudi District dated 06.01.2020 were received by the Inspector of Police, Thermal Nagar Police Station from the Town Deputy Superintendent of Police, Camp Office. Hence on 29.01.2020 the Inspector of Police, Thermal Nagar Police Station handed the files which contains 166 pages with form 91 with remanded



LIRASI' COUNTER 90 Nos to the Crime Branch Inspector of Police vide 01/General Memos/B5 PS/TUT 2021 dated 16.01.2021.

6. Taking note of the above facts and circumstances of the case and also taking into consideration the period of incarceration and also taking note of the fact that the fake currency notes were recovered, this Court is inclined to grant bail to the petitioners subject to the following conditions:

7. Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two 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 petitioners shall report before the respondent police daily at 10.30 a.m until further orders

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

iv) the petitioners 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 petitioners 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/-
01/02/2021

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/ /2021

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 concerned.



TO

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

+1CC TO M/s.Ajmal Associates, Advocate, SR No.615

ORDER

IN

CRL OP(MD) No.982 of 2021

Date :01/02/2021

AAV

MS/VR/SAR-2/01.02.2021/4P.8C