



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

Date : 10/02/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.1832 of 2021

Pauldurai ... Petitioner/Accused No.1

Vs

State Rep. by
The Inspector of Police,
Mathichayam Police Station,
Madurai City.
Crime No.1617/2020.

... Respondent/Complainant

For Petitioner : M/s.Banumathy.A,
Advocate.

For Respondent : Mr.R.Srinivasan,
Government Advocate (Crl.Side)

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

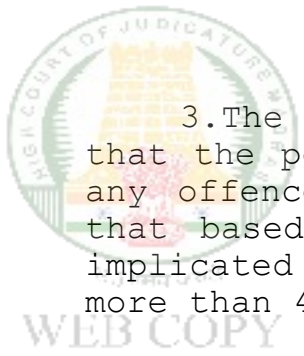
PRAYER :-

For Bail in Crime No.1617 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A1 herein was arrested and remanded to judicial custody on 29.12.2020 for the offences punishable under Sections 120 B, 406 and 420 of IPC, in Crime No.1617 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the defacto complainant has arranged marriage to his daughter and he was in need of money to his daughter's marriage. When the petitioner came to know about the same, he promised the defacto complainant that he would give the money in double, which would be received by him. Believing the same, the defacto complainant has paid a sum of Rs.20 lakhs. The mode of making currency note is that the petitioner would cover original currency note with black powder and thereafter, dipping the same in the water and exhibit original currency note. Hence, the present complaint.



3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submitted that based on the confession of co-accused, he has been falsely implicated in this case. He further submitted that he is in jail for more than 40 days. Hence, he seeks bail.

4.The learned Government Advocate(Crl.Side) appearing for the respondent Police submitted that the petitioner was arrested on 29.12.2020 and 12.75 lakhs have been recovered from him. He further submitted that the petitioner had given the balance amount to various persons and the co-accused and some amount have been used in redeeming his wife's jewels from Pandian Grama Bank. He further submitted that further investigation to be conducted and the balance amount to be recovered from the petitioner and some of the accused are absconding. Hence, he opposed this petition.

5.Taking note of the above facts and circumstances of the case 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 her 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, Madurai.

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/petitioner thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-

10/02/2021

/ TRUE COPY /

/ /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.

WEB COPY

TO

- 1 THE JUDICIAL MAGISTRATE NO.II,
MADURAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.
- 3 THE INSPECTOR OF POLICE,
MATHICHAYAM POLICE STATON,
MADURAI CITY.
- 4 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.1832 of 2021
Date :10/02/2021

vsg
JM/VR/SAR II/10.02.2021/3P/6C