



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

Date : 09/02/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.1936 of 2021

Mohamed Buhari

... Petitioner/Accused No.3

Vs

1.The State rep.by
The Inspector of Police,
Thermal Nagar Police Station,
Thoothukudi District
Crime No.105/2020.

2.The State rep.by
The Inspector of Police,
CBCID, Tirunelveli.

... Respondents/Complainants

For Petitioner : Mr.N.Mohideen Basha,
Advocate.

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

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

PRAYER :-

For a Bail in Crime No.105 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A3, who was arrested and remanded to judicial custody on 10.12.2020 for the offence punishable under Section 420 IPC, in Crime No.105 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner along with other accused were found in illegal possession of five lakhs Turkey currency which is valid 46 Crores and 40 lakhs of Indian Currency. The defacto complainant initially refused to agree for any exchange of notes and thereafter he has 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 belong to Turkey and it was valid upto 2006. Hence the complaint.



3.The learned counsel for the petitioner would submit that the petitioner is a student and while so all the accused persons who are friends and without knowing the consequences they tried to exchange the Turkey Currency Notes. He would also submit that the petitioner is in jail for more than 55 days and the co-accused in this case namely A1, A2, A4 and A5 in this case were granted bail by this Court on 01.02.2021, 02.02.2021 and 04.02.2021 in CrI.O.P (MD) Nos.982, 1264 and 526 of 2021, hence he seeks bail.

4. The learned Government Advocate(CrI.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. He would also submit that co-accused in this case namely A1, A2, A4 and A5 in this case were granted bail by this Court on 01.02.2021, 02.02.2021 and 04.02.2021 in CrI.O.P (MD) Nos.982, 1264 and 526 of 2021.

5.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 co-accused in this case namely A1, A2, A4 and A5 were granted bail by this Court and also taking note of the fact that the fake currency notes were recovered, this Court is inclined to grant bail to the petitioner subject to the following conditions:

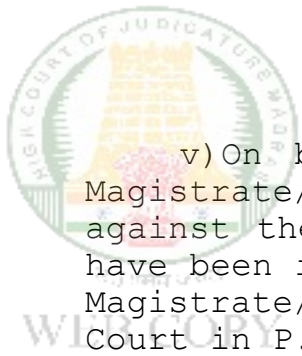
6.Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No. II,Thoothukudi.

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.

<https://hcservices.courts.gov.in/hcservices/> 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/-
09/02/2021

/ 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.

TO

1.THE JUDICIAL MAGISTRATE No. II, THOOTHUKUDI.

2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.

3.THE INSPECTOR OF POLICE,
THERMAL NAGAR POLICE STATION,
THOOTHUKUDI DISTRICT

4.THE INSPECTOR OF POLICE,
CBCID, TIRUNELVELI.

5.THE SUPERINTENDENT,
CENTRAL PRISON. PALAYAMKOTTAI.

6.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.1936 of 2021
Date :09/02/2021

VSG
TK/VR/SAR.1/09.02.2021/3P/7C

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