



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/03/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) . No.4192 of 2021

Nallamalalai

... Petitioner/Sole Accused

Vs

The State rep.by,
The Inspector of Police,
Batlagundu Police Station,
Dindigul District.
Crime No. 83 of 2021..

... Respondent/Complainant

For Petitioner : Mr.Murugesan.M,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

PRAYER :-

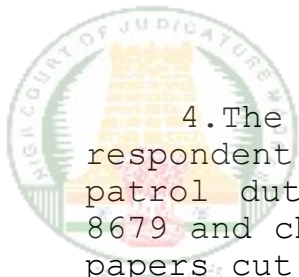
For Bail in Crime No.83 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested and remanded to judicial custody on 16.02.2021 for the offence punishable under Sections 489(D) and 420 IPC, in Crime No.83 of 2021 on the file of the respondent police seeks bail.

2.The case of the prosecution is that the respondent police while on patrol duty, they intercepted a Ford car bearing Reg.No.TN 59 AH 8679 and checked the vehicle, which was carrying Acid and some black papers cut to the size of currency notes. Thereafter, the same were seized. 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 the petitioner is a kidney patient. He further submitted that the petitioner is in jail for more than 30 days, hence he seeks



4.The learned Government Advocate (Crl.Side) appearing for the respondent Police submitted that the respondent police while on patrol duty, they intercepted a Ford car bearing Reg.No.TN 59 AH 8679 and checked the vehicle, which was carrying Acid and some black papers cut to the size of currency notes.

5.On perusal of the materials available on records, it is seen that the petitioner was intercepted during the vehicle check up, it was found that the petitioner's car bearing Reg.No.TN 59 AH 8679 was carrying some black papers cut to the size of currency notes and thereafter, the same were seized. When the same was questioned to the petitioner, he confessed that he intended to change this cut notes into currency notes, thereby cheat the public. It is also seen that the petitioner is a kidney patient.

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 petitioner is a kidney patient and the cut notes were recovered, this Court is inclined to grant bail to the petitioner subject to the following conditions:

7.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, Nilakottai.

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 for a period of two weeks and thereafter, as and when required for interrogation.

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/-

18/03/2021

/ TRUE COPY /

/ /2021

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



vsg

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,
NILAKOTTAI.
 - 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.
 - 3 THE INSPECTOR OF POLICE
BATLAGUNDU POLICE STATION, DINDIGUL DISTRICT.
 - 4 THE OFFICER INCHARGE,
DISTRICT PRISON,
DINDIGUL.
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to Mr.S.Ramachandra Pradeep, Advocate SR.No.2235

ORDER
IN
CRL OP(MD) No.4192 of 2021
Date :18/03/2021

NR/VR/SAR-I(18.03.2021) 3P:7C