



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

Date : 27/10/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.15758 of 2021

1. Abdul Rahman
2. Mohamed Thamthasin ... Petitioners/Accused Nos.1 & 2

Vs

State Rep.by
The Inspector Of Police,
Kamuthi Police Station,
Ramanathapuram District.
(Crime No.651 of 2021) ... Respondent/Complainant

For Petitioners : Mr.M.Mohamed Riyaz,
Advocate.

For Respondent : Mr.P.Kottai Chamy,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

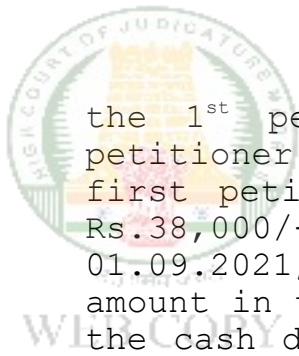
PRAYER :- For Anticipatory Bail in Crime No.651 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Section 489(C) of IPC @ Sections 489(B) and 489(C) of IPC, in Crime No.651 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that on 07.09.2021 at about 11.00 a.m., the account officer and cash officer of SBI, while verifying the ATM at P.B.N Complex, found that on 01.09.2021 at about 10.46 a.m., the accused persons deposited 10 numbers of Rs.500/- counterfeit currency notes in the account of one Gopal. Hence, they lodged a complaint against the petitioners and the present case came to be registered.

3.The learned counsel for the petitioners submitted that the petitioners are innocents and they have been falsely implicated in this case. He further submitted that the second petitioner is the son of the first petitioner and the first petitioner is doing business in Kamuthi. One Gopal, who is an agriculturalist, requested



the 1st petitioner for money for a loan repayment and the 1st petitioner was also intended to help the said Gopal. Hence, the first petitioner asked the second petitioner to deposit a sum of Rs.38,000/- in the account of the above said Gopal and on 01.09.2021, the second petitioner has deposited the above said amount in the account of the said Gopal and the same was accepted by the cash deposit machine. The receipt of the said deposited amount was also issued immediately. However, a false case has been registered against the petitioners as if the petitioners have deposited 10 numbers of Rs.500/- counterfeit currency notes in the account of the said Gopal.

4. Heard the learned Additional Public Prosecutor appearing for the respondent police.

5. Considering the above allegations, this Court by earlier order dated 20.10.2021, directed the petitioners to appear before the respondent Police from 21.10.2021 onwards for a period of one week, granted interim anticipatory bail and the respondent Police was directed to file a report. Accordingly, the petitioners have also appeared, co-operated for the enquiry and the respondent Police filed a report before this Court. However, the report does not disclose the nature of offence committed by the petitioners.

6. Admittedly, even after enquiring the petitioners, the respondent Police has not altered the offence so far. However, the petitioners are apprehending arrest for the offence punishable under Section 489(C). Further, the offence under Section 489(C) is a bailable offence and there is no apprehension. Since the respondent Police has not altered the offence, even after enquiring the petitioners and as on date, the offence against the petitioners is 489(C), the petitioners are not entitled to get anticipatory bail. Accordingly, this Criminal Original Petition is closed. However, liberty is granted to the petitioner to approach the learned Magistrate Court for obtaining regular bail.

sd/-
27/10/2021

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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 INSPECTOR OF POLICE,
KAMUTHI POLICE STATION,
RAMANATHAPURAM DISTRICT.

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

+1 CC to M/s.A.RABINSON, Advocate (SR-7508[I] dated 27/10/2021)

ORDER

IN

CRL OP(MD) No.15758 of 2021

Date :27/10/2021

ssb

MS/PN/SAR-1/02.11.2021/3P.4C