



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

Date : 15/11/2021

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.17706 of 2021

Kannan : Petitioner/Accused No.2

Vs

State represented by
The Inspector of Police,
Royappanpatti Police Station,
Theni City.
Crime No.433 of 2021. : Respondent/Complainant

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

For Respondent : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.433 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A2, who was arrested and remanded to judicial custody on 05.09.2021 for the offence punishable under Section 489-B and 489(c) IPC, in Crime No.433 of 2021, on the file respondent police, seeks bail.

2.The case of the prosecution is that the petitioner was found in possession of Rs.54,000/- as Rs.2,000/- counterfeit notes. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He would further submit that



based on the confession statement given by A1, he has been implicated in this case and he is in judicial custody from 05.09.2021.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that petitioner was found in possession of Rs.54,000/- as Rs.2,000/- counterfeit notes. He would further submit that the investigation is completed and the report from Nashik, is yet to be received.

5.Considering the facts and circumstances of the case and also the facts that the petitioner is in judicial custody from 05.09.2021, that the investigation is completed except receiving the report from Nashik and that the petitioner is not having any previous case for similar offence or for serious offence, 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.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate Court, Uthamapalayam, and on further conditions that;

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 thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
15/11/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

das

<https://hcservices.ecourts.gov.in/hcservices/>



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,
Uthamapalayam.
- 2.Do Through The Chief Judicial Magistrate,
Theni.
- 3.The Officer Incharge, Sub Jail,
Periakulam, Theni District.
- 4.The Inspector of Police,
Royappanpatti Police Station,
Theni City.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to Mr.A.RAJARAM, Advocate SR.No. 34512

ORDER IN
CRL OP(MD) No.17706 of 2021
Date : 15/11/2021

TR/PN/SAR-IV(15.11.2021) 3P 7C