



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 29/12/2021
PRESENT

The Hon`ble Mrs.Justice S.ANANTHI

CRL OP(MD). No.21059 of 2021

M.Praveen

... Petitioner/2nd Accused

Vs

The State rep.by
The Inspector of Police,
Palayamkottai Police Station,
Tirunelveli District.
Cr.No.836/2021.

... Respondent/Complainant

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

For Respondent : Mr.SS.MADHAVAN,
Government Advocate (Crl.Side)

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

PRAYER :- For Bail in Crime No. 836 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/A2, who was arrested on 04.12.2021 for the offences punishable under Sections 489(C), 489(E) r/w.420 of IPC in Crime No.836 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the first accused borrowed a sum of Rs.10,000/- from the defacto complainant for his emergency purpose and on 03.12.2021 he returned Rs.5000/- to the defacto complainant near the Sudalai temple at about 7.30 pm., The defacto complainant after receiving the money went to his home and found that some of the currencies are fake one. Hence the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that some of the co-accused in this case were granted bail by the learned Principal District and Sessions Judge, Tirunelveli. He would further submit that the petitioner is in judicial custody from 04.12.2021, hence he seeks bail.

4. The learned Government Advocate (Crl.Side) appearing for the respondent opposed the bail petition on the ground that the



investigation is not yet completed. He would further submit that the defacto complainant received a sum of Rs.5000/- from A1, which are fake notes and the same was recovered. He would also submit that the no previous case is pending against the petitioner.

5. Taking note of the fact and circumstances of the case and also the fact that the fake currency notes have been recovered from A1 and the fact that the petitioner is in judicial custody from 04.12.2021 and also the fact that some of the co-accused were granted bail by the learned Principal District and Sessions Judge, Tirunelveli, this Court is inclined to grant bail to the petitioner.

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.I, Tirunelveli and on further condition that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police daily at 10.30 am., until further orders.

[c] the petitioner shall not abscond either during investigation or trial.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] 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]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

29/12/2021

/ TRUE COPY /

29/12/2021

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.I, TIRUNELVELI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT.

3 THE SUPERINTENDENT
CENTRAL PRISON, PALAYAMKOTTAI.

4 THE INSPECTOR OF POLICE,
PALAYAMKOTTAI POLICE STATION,
TIRUNELVELI DISTRICT.

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

+1. CC to M/S.SIVASUBRAMANIAN.A, Advocate SR.No.9808

ORDER

IN

CRL OP(MD) No.21059 of 2021

Date :29/12/2021

SA/VR/SAR.4/29.12.2021/3P/7C