



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

Cr1.O.P. No.3889 of 2022

1.Manickam
2.Sivasankaranathan

...Petitioners /
A-1 & A-2

versus

State rep. by
The Inspector of Police,
Bommidi Police Station,
Dharmapuri.
(Crime No.19 of 2022)

... Respondent /
Complainant

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C., praying to enlarge the petitioners on bail in Crime No.19 of 2022 on the file of the respondent police.

For Petitioners : Mr.V.Karnan

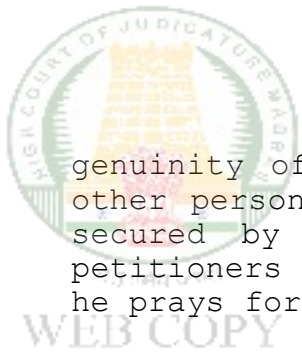
For Respondent : Mrs.G.V.Kasthuri
Additional Public Prosecutor

O R D E R

The petitioners, who were arrested and remanded to judicial custody on 13.01.2022 for the offences punishable under Sections 489 (B) and 489(C) of IPC in Crime No.19 of 2022, on the file of the respondent police, seek bail.

2. The case of the prosecution is that on 13.01.2022, these petitioners were found in possession of fake currency notes worth about Rs.1,01,500/-. Hence, the complaint.

3. The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He would further submit that before the occurrence, the petitioners also cheated by some persons by giving fake currency notes, in otherwise, the petitioners did not know the



genuinity of the currency notes which have been received from some other persons and while at the time of spending the same, they were secured by the police. It is his specific submission that the petitioners are in judicial custody from 13.01.2022 onwards. Hence, he prays for bail.

4. The learned Additional Public Prosecutor appearing for the respondent police raised objection stating that investigation is pending. However, she fairly admits that, the property viz. counterfeit notes, are all recovered and as of now, a portion of investigation has been completed.

5. The submissions made by the learned counsel appearing on either side are considered.

6. It seems that the respondent police registered a case as against the petitioners for the offences punishable under Sections 489(B) and 489(C) of IPC. Admittedly, after registering the case, the respondent police seized the counterfeit notes. The petitioners are the first offenders and they are in judicial custody from 13.01.2022 onwards. Hence, for completing the investigation, further custody of the petitioners is not necessary.

7. Therefore, taking note of the above said aspects into consideration and having regard to the nature of offence committed by these petitioners and also by considering the period of incarceration, this Court is inclined to grant bail to the petitioners subject to certain conditions. Accordingly, the petitioners are ordered to be released on bail subject to the following conditions;

(a) the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Pappireddipatti;

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioners are directed to appear before the respondent police daily at 10.00 a.m. until further orders;

(d) the petitioners shall not tamper with evidence or witness either during investigation or trial;



(e) on breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/-

17/02/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
PAPPIREDDIPATTI, DHARMAPURI DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
DHARMAPURI DISTRICT. [FOR INFORMATION]

3 THE OFFICER INCHARGE,
SUB JAIL, DHARMAPURI.

4 THE INSPECTOR OF POLICE,
BOMMIDI POLICE STATION,
DHARMAPURI.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.V.KARNAN Advocate on payment of necessary charges
SR.NO.2499

CRL OP.3889/2022

Date :17/02/2022

RW 18/02/2022