



Crl.O.P.No.25191 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.10.2022

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THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.25191 of 2022

Sathish

... Petitioner

Vs.

State represented by,
The Inspector of Police,
J7, Velachery Police Station,
Chennai.

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the Petitioner on bail concerned in Crime No.442 of 2022
on the file of Inspector of Police, J7, Velachery Police Station on such terms
and conditions that may be imposed by this court in the facts and
circumstances of the case.

For Petitioner : Mr.C.Prabakaran

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl.side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 14.09.2022 for the offences punishable under Section 489-B of IPC in Crime No.442 of 2022 on the file of the Respondent Police, seeks bail.

2. The case of the prosecution as per the de-facto complainant, who is running a tea-stall, is that the petitioner was found in circulating and possession of counterfeit currency note of Rs.100. Hence, the complaint.

3. The learned Counsel appearing for the petitioner would submit that this is the second bail application before this Court. He would further submit that the petitioner, who is local resident of Chennai, running a mobile shop at Velacherry, where one of the customers, purchased the mobile and gave Rs.20,000/- cash and the petitioner has also accepted it, but later it was found that the cash received by him are counterfeit currency notes. He would also submit that the petitioner innocently received that cash and it is not the case that the petitioner has printed or distributed the counterfeit currency



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notes. He would also state that the petitioner is in custody from 14.09.2022 and he is ready to abide by any stringent conditions that may be imposed by this Court and hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner was found to be in possession of counterfeit currency note Rs.100 and when he handed over it in the tea stall, he got caught. He would also submit that the counterfeit currency of Rs.20,000/- was recovered from the petitioner. He would further submit that investigation is pending in this case and hence, he oppose to grant bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) and perused the materials available on record.

6. Taking into consideration the facts and the submissions made by the learned Counsel for the petitioner and also considering the period of



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incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.50,000/- (Rupees Fifty thousand only)** with **two sureties** (out of which, one surety should be blood related surety and should produce document to show his/her means) , each for a like sum to the satisfaction of the **learned XVIII Metropolitan Magistrate, Saidapet**, and on further conditions 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 everyday at 10.30 a.m. and 5.30p.m., 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,



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

18.10.2022

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To

1. The XVIII Metropolitan Magistrate Court, Saidapet.
2. The Inspector of Police,
J7, Velachery Police Station,
Chennai.
3. The Central Prison, Puzhal.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA,J.

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