



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

Date : 15/03/2022

PRESENT

WEB COPY

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.4853 of 2022

Saravanan @ Vijayakumar

... Petitioner/Accused-3

Vs

The State Rep. By,
The Inspector of Police,
East Police Station,
Sivakasi,
Virudhunagar District.
(Crime No. 33 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Ponsaravan.S.,
Advocate.

For Respondent : Mr.R.Sivakumar,
Government Advocate (Crl.Side)

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

PRAYER :-

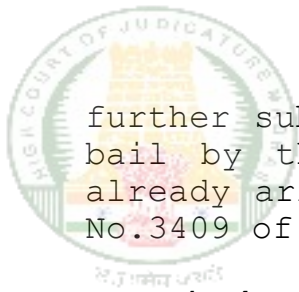
For Anticipatory Bail in Crime No.33 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/accused No.3, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 489B and 489C of IPC, in Crime No.33 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and other accused have circulated counterfeit currency notes to the public through the grocery shop at Paraipatti, Sivakasi. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner was implicated only on the basis of the confession statement alleged to have been taken from the co-accused and he has not committed any offence as alleged by the prosecution. He would



further submit that A1 and A4 were already arrested and released on bail by the Sessions Court in Cr.M.P.No.377 of 2022 and A2 was already arrested and released on bail by this Court in Crl.O.P.(MD) No.3409 of 2022, dated 28.02.2022.

4.The learned Government Advocate (Crl. side) would submit that there was no recovery from the petitioner, that the fake currency notes were recovered from the co-accused and that based on the confession statement given by the co-accused, the petitioner was implicated in this case.

5.Considering the above facts and circumstances and also the facts that the co-accused were already arrested and released on bail by this Court and the Sessions Court and that the petitioner is not having any previous case for similar or serious offence, this Court is inclined to grant anticipatory bail to the petitioner, but with certain conditions.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate Court No.II, Sivakasi, Virudhunagar District, on condition that the petitioner shall execute 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 respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further conditions that:

(a)the petitioner and 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 for a period of one month and thereafter, as and when required for interrogation.

(c)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioner shall not abscond 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]***; and;



(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
15/03/2022

WEB COPY

/ TRUE COPY /

/ /2022

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.II,
SIVAKASI, VIRUDHUNAGAR DISTRICT.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
VIRUTHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
3. THE INSPECTOR OF POLICE,
EAST POLICE STATION,
SIVAKASI, VIRUDHUNAGAR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.PONSARAVAN.S. Advocate SR.No.12296(F), Dated :
15.03.2022.

ORDER
IN
CRL OP(MD) No.4853 of 2022
Date :15/03/2022

USK/PN/SAR-II/21.03.2022/3P/6C