



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 15/11/2022
PRESENT

WEB COPY

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD) . No.20180 of 2022

Piragalathan

... Petitioner/Accused No.1

Vs

The State rep.by
The Inspector of Police,
Shenkottai Police Station,
Tenkasi District.
(Crime No.289 of 2022).

... Respondent/Complainant

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

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

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

PRAYER :- For Bail in Crime No.289 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1, who was arrested and remanded to judicial custody on 09.10.2022 for the offences punishable under Section 489(B) of IPC, in Crime No.289 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on secret information, the respondent police made a search and caught the accused persons with counterfeit currency notes worth about Rs.2,25,000/-. Hence, the complaint.

3.The learned counsel for the petitioner would submit that this is the petitioner's second bail application and the earlier application was dismissed by this Court dated 26.10.2022 in Crl.O.P. (MD) No.18952 of 2022. He would further submit that the petitioner is innocent and he has been falsely implicated in this case and he is in judicial custody from 09.10.2022, hence he may be released on bail.

4.The learned Additional Public Prosecutor would submit that there are two accused in this case and the petitioner is arrayed as



A1 in this case and the petitioner along with A2 were in possession of fake currency notes worth about Rs.2,25,000/- and he is having two previous cases and six witnesses have been examined and major part of the investigation is almost over. He would further submit that this is the petitioner's second bail application and the earlier application was dismissed by this Court dated 26.10.2022 in Crl.O.P.(MD)No.18952 of 2022. Hence, he strongly opposed to grant bail to the petitioner.

5.Considering the facts and circumstances of the case and also considering the period of incarceration and also the fact that six witnesses have already been examined, this Court is inclined to grant bail to the petitioner on certain conditions.

6.Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail, on 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, Shencottai.

(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].

sd/-

15/11/2022

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15/11/2022

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

TO

1 THE JUDICIAL MAGISTRATE,
SHENCOTTAI.

<https://www.mhc.tn.gov.in/judis>



2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.

4 THE INSPECTOR OF POLICE,
SHENKOTTAI POLICE STATION,
TENKASI DISTRICT.

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

+1. CC to M/S.SANKARAPARAMASUBRAMANIAN A Advocate SR.No.13035

ORDER

IN

CRL OP(MD) No.20180 of 2022

Date :15/11/2022

SJI

SA/TR/SAR.4/15.11.2022/3P/7C