



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17/11/2022

PRESENT

WEB COPY

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

CRL OP (MD) . No.20337 of 2022

Marimuthu

... Petitioner/ 2nd Accused

Vs

The State Rep.by
The Inspector of Police,
Shenkottai Police Station,
Tenkasi District.
Crime No.289/22.

... Respondent/Complainant

For Petitioner : M/s.Adithya Vijayalayan N,
Advocate.

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

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

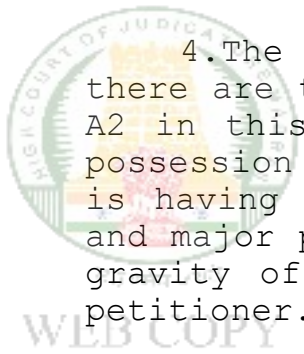
PRAYER :-For Bail in Crime No.289 of 2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A2, 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/-. Particularly, the petitioner was found in illegal possession of fake currencies worth about Rs.1 lakh. 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 01.11.2022 in CrI.O.P. (MD)No.19266 of 2022. He would further submit that the co-accused was released on bail by this Court, on 15.11.2022 and the petitioner 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 accused as A2 in this case and the petitioner along with A1 were in illegal 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. Considering the gravity of the offence, he strongly opposed to grant bail to the petitioner.

5.At this juncture, the learned counsel for the petitioner would submit that the above said 2 previous cases are accident cases. In that cases, he has also paid fine amount and was acquitted. As on date, no previous case is against the petitioner.

6.Considering the period of incarceration and also considering the facts that six witnesses have been examined and the co-accused was released on bail, this Court is inclined to grant bail to the petitioner on certain conditions.

7.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, Shenkottai.

(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;

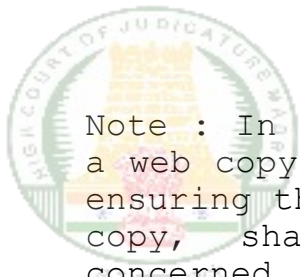
iv)the petitioner shall not abscond during trial.

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/-
17/11/2022

/ TRUE COPY /

17/11/2022
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.

WEB COPY

TO

- 1 THE JUDICIAL MAGISTRATE
SHENKOTTAI.
- 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.D.VENKATESH, Advocate (SR-13160[I] dated 17/11/2022)

ORDER
IN
CRL OP(MD) No.20337 of 2022
Date :17/11/2022

DSS
MK/VR/SAR /17.11.2022/3P/7C