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Crl.O.P.No.8519 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.04.2023

CORAM

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

Crl.O.P.No.8519 of 2023

Karnan

... Petitioner

Vs.

The State represented by,
The Sub-Inspector of Police,
Team 33 A, Fraud Document Investigation Wing,
Central Crime Branch,
Chennai.

(Crime No.20 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner/accused on bail, in connection with the
Crime No.20 of 2023, pending investigation on the file of the respondent
Police.

For Petitioner : Mr.G.Santhosh Kumar

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 23.01.2023, for the offences punishable under Sections 489(B), 489(C) of IPC, in Crime No.20 of 2023, on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the de facto complainant Manasseh, Bank Manager, State Bank of India, Thiruvannamiyur Branch, is that the accused, who was working as a watchman in an adjacent building of the bank, attempted to cheat the bank by depositing the counterfeit notes in the Cash Deposit Machine. Hence the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely roped in this case. He further submitted that the petitioner was working as a Watchman in the adjacent building of the bank and on 26.08.2023, he tried to deposit Rs.8000/- (3nos. of Rs.2000 notes and 4 nos. of Rs.500/- notes) cash in the Cash Deposit Machine, out of which, two of the notes were accepted and the



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remaining notes were retracted, thereby, the petitioner voluntarily taken the notes to the bank and informed them and thereafter, the bank officials found that the notes were counterfeit currency. Later, the petitioner was called for enquiry, during which, the respondent has arrested the petitioner even without conducting the preliminary enquiry. He also submitted that the petitioner has received the money from a known person and he does not know anything about the counterfeit currency. He further submitted that the petitioner was arrested on 23.01.2023 and he is in custody for more than 80 days. He also submitted that the petitioner is also ready to abide by any stringent conditions that may be imposed by this Court, hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent submitted that the petitioner had attempted to cheat the bank by depositing the counterfeit currency in the Cash Deposit Machine. He further submitted that counterfeit notes given by the petitioner were also sent to the lab for testing. He also submitted that no previous case is pending as against the petitioner, however, he opposed for grant of bail to the petitioner.



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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 circumstances of the case, the submissions made by the learned counsel on either side and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on his 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 Metropolitan Magistrate Court, Special Court for fake stamp paper and fake Indian currency cases, Egmore, Chennai**, 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;



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[b] the petitioner shall report before the respondent Police, everyday at 10.30 a.m., for a period of two weeks and thereafter, on every Saturday at 10.30 a.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, 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.

20.04.2023

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To

1. The Metropolitan Magistrate Court,
Special Court for fake stamp paper
and fake Indian currency cases,
Egmore, Chennai.
2. The Sub-Inspector of Police,
Team 33 A, Fraud Document Investigation Wing,
Central Crime Branch,
Chennai.
3. The Central Prison,
Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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