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Crl.O.P.No.8866 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.04.2023

CORAM

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

Crl.O.P.No.8866 of 2023

Iyappa Raj

... Petitioner

Vs.

State rep by,
Inspector of Police,
Virukambakkam Police Station,
Chennai District.
(Crime No.194 of 2023)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in Crime No.194 of 2023 pending
investigation on the file of the respondent police.

For Petitioner : Mr.P.Muthamizh Selvakumar

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

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 02.04.2023, for the offence punishable under Section 489 B IPC in Crime
No.194 of 2023 on the file of the respondent police, seeks bail.



2. The case of the prosecution as per the defacto complainant

Subramaniyan is that he is working as a Warden in a Men's Hostel namely Lakshna Men's Hostel at Saligramam, Chennai. On 01.04.2023, a person namely Iyappa Raj/the petitioner herein, approached him and booked a room for rent and paid advance amount of Rs.6,000/- and thereafter, at about 10.00 p.m., when the defacto complainant taken the notes and counted the same, it was found to be fake. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that there was a dispute between the petitioner and the defacto complainant and therefore, based on certain notes intended for shooting purpose, a false case has been given against him. He further submitted that the petitioner is aged about 22 years and he does not have any bad antecedents against him. A perusal of the notes itself would show that they were intended for shooting purpose and they are not counterfeit notes and that the petitioner has been suffering incarceration from 02.04.2023. Hence, he prayed for grant of bail to the petitioner.



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4. The learned Government Advocate (Criminal Side) for the respondent opposed for grant of bail to the petitioner stating that the petitioner had taken a room from the defacto complainant who is a Warden in a Men's Hotel and paid a sum of Rs.6,000/- and later, it was found that they were not original currency notes. However, he fairly conceded that in the notes itself it is stated that they were intended for shooting purpose.

5. Heard the learned Counsel for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondent police and perused the materials available on record including the FIR.

6. Considering the facts and circumstances of the case and the submissions made by the learned counsel on either side and the period of incarceration undergone by the petitioner, this Court is inclined to grant of 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.15,000/- (Rupees Fifteen Thousand Only)** with **two sureties out of which, one surety shall be a blood relative,**



each for a like sum to the satisfaction of the **learned Metropolitan Magistrate Court No.XXIII, 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., 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



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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.

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A.D.JAGADISH CHANDIRA,J.,

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To

1. The Metropolitan Magistrate No.XXIII,
Saidapet.
2. The Inspector of Police,
Virukambakkam Police Station,
Chennai District.
3. The Superintendent,
Central Prison, Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.

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