



Crl.O.P.Nos.11833 & 11910 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.06.2023

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

Crl.O.P.Nos.11833 & 11910 of 2023

Loganathan

... Petitioner in Crl.O.P.No.11833 of 2023

Edward Arokiya Jenar

... Petitioner in Crl.O.P.No.11910 of 2023

Vs.

The State represented by,
The Inspector of Police,
T-18, Thazhambur Police Station,
Tambaram, Chennai.

(Crime No.86 of 2023).

... Respondent in all Crl.O.P.s.,

COMMON PRAYER: Criminal Original Petitions filed under Section 439 of Cr.P.C., pleased to enlarge the petitioners/accused on bail, in connection with Crime No.86 of 2023, pending investigation on the file of the respondent Police.



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In Crl.O.P.No.11833 of 2023,

For Petitioner : Mr.P.Muniyandi

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

In Crl.O.P.No.11910 of 2023,

For Petitioner : Mr.A.Tamilvanan

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

COMMON ORDER

The petitioners, who were arrested and remanded to judicial custody on 12.04.2023, in connection with Crime No.86 of 2023, registered for the alleged offences punishable under Sections 489(A), 489(B), 489(C) & 489 (D) of IPC, on the file of the respondent, seek bail.

2. The case of the prosecution is that the respondent had registered a *suo-moto* case in Crime No.86 of 2023 for the offence punishable under Sections 489(A), 489(B), 489(C) & 489 (D) of IPC stating that on 11.04.2023 at about 9.30 a.m., while the respondent were conducting the regular vehicle check up, they had intercepted the accused's vehicle bearing



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registration no.TN 07 AK 5619 and found that there were 500 rupees fake currency notes in the dashboard and accused 1, 2 & 3 were arrested and based on their confession, the other accused were arrested. Further, the allegation against the accused is that they had printed the counterfeit Indian currency notes of 500 denomination by using colour photo copy machines and from A3, 50 notes and from A5 & A7, 30 notes from each were recovered. Hence the case.

3. Learned Counsel for the petitioners submitted that the petitioners, who are arrayed as A6 & A1 in this respectively, are innocent persons and they have been falsely implicated in this case. He further submitted that even reading of the First Information Report would go to show that it is a *suo moto* case registered by the respondent and the petitioners were falsely roped in this case. He also submitted that other than certain colour xerox copies of the 500 rupees notes and the alleged confession statement, there is no material to show that the petitioners have printed the counterfeit notes and they have also attempted to exchange the notes in public. He further submitted that the similarly placed co-accused in this case have been enlarged on bail by this Court in



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Crl.O.P.Nos.11284,12007, 12009 & 12053 of 2023 dated 17.05.2023 & 01.06.2023 respectively. He also submitted that the petitioners are having permanent residences. Thereby, he prayed for grant of bail to the petitioners.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that when the respondent police had intercepted the vehicle belonging to the accused, they found 10 counterfeit notes of 500 denomination in their dashboard, thereby, arrested the accused 1, 2 & 3. He further submitted that subsequently based on the confession statement recorded from the arrested accused, the other accused have been arrested. He also submitted that the colour xerox notes of Rs.500/- denomination to the sum of Rs.2,77,000/- were recovered from the accused. He also submitted that the investigation in this case is still pending, therefore, he vehemently opposed for grant of bail to the petitioners.

5. Heard the learned Counsel for the petitioners and the learned Government Advocate (Crl.Side) for the respondent and perused the entire materials available on record.



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6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and taking note of the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners with certain condition.

7. Accordingly, **each of the petitioner shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand only), by way of Demand Draft to the Cancer Institute (WIA) (Regional Cancer Centre), Adyar, Chennai – 600020, bearing A/c.No.149710011005477, Andhra Bank, Madhya Kailash Branch,** and on such deposit, the petitioners are ordered to be released on bail on their executing separate bond each for a sum of **Rs.25,000/- (Rupees Twenty five thousand only) with two sureties** (out of which, one surety should be the blood related surety), each for a like sum to the satisfaction of the **learned District Munsif cum Judicial Magistrate, Thiruporur,** 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 petitioners shall report before the respondent Police everyday at 10.30a.m., until further orders;

[c] the petitioners shall not abscond either during investigation or trial;

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

02.06.2023

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To

1. The District Munsif cum Judicial Magistrate,
Thiruporur.
2. The Inspector of Police,
T-18, Thazhambur Police Station,
Tambaram, Chennai.
3. The Sub Jail,
Chengalpattu.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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