



Crl.O.P.No.12749 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.06.2023

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

Crl.O.P.No.12749 of 2023

Richard

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
T-3, Pallavaram Police Station,
Pallavaram, Chennai - 43.

(Crime No.307 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner / A1 on bail in Crime No.307 of 2023
pending investigation on the file of the respondent Police

For Petitioner : Ms.Ilaya Rani Ponraj

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

ORDER



Crl.O.P.No.12749 of 2023

WEB COPY

The petitioner, who was arrested and remanded to judicial custody on 02.04.2023 for the offences punishable under Sections 489B and 489C of IPC, in Crime No.307 of 2023, on the file of the respondent police, seek bail.

2. The case of the prosecution is that on 02.04.2023, during vehicle check up, the respondent police intercepted a vehicle driven by two persons/A1 and A2 and they were found in possession of 70 nos. of counterfeit notes of Rs.500/- denomination and during the course of investigation, house search was also conducted and in total 120 nos. of counterfeit notes were recovered from them. Hence, the case.

3. The learned counsel for the petitioner submitted that this is the second application for bail filed by the petitioner before this Court and this Court had dismissed the earlier bail application in Crl.O.P.No.8880 of 2023 vide order dated 24.04.2023. He further submitted that co-accused in this case has been granted bail by this Court in Crl.O.P.Nos.11127 & 10935 of 2023 vide orders dated 18.05.2023. He also submitted that the petitioner is in custody from 02.04.2023, hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl. Side) appearing for the



Crl.O.P.No.12749 of 2023

respondent police submitted that the petitioner (A1) along with other accused was to be found in possession of 120 nos. counterfeit notes of Rs.500/- denomination. He further submitted that this is the second application for bail filed by the petitioner and this Court, on considering the petitioner's date of arrest, had dismissed the earlier application for bail in Crl.O.P.No.8880 of 2023. He also submitted that the investigation in this case is pending and there is no previous case as against the petitioner, however, he prayed for dismissal of the petition.

5. Heard the learned Counsel for the Petitioner and the learned Government Advocate (Crl.Side) for the respondent and perused the entire 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 taking note of the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain condition.



Crl.O.P.No.12749 of 2023

WEB COPY

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** (out of which, one surety should be the wife of the petitioner), each for a like sum to the satisfaction of the **learned District Munsif-cum-Judicial Magistrate, Pallavaram**, 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 on every Monday at 10.30 a.m and 06.00 p.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



Crl.O.P.No.12749 of 2023

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.

09.06.2023

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To

1. The District Munsif-cum-Judicial Magistrate,
Pallavaram.
2. The Inspector of Police,
T-3, Pallavaram Police Station,
Pallavaram, Chennai - 43.
3. The Central Jail,
Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.



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Crl.O.P.No.12749 of 2023

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Crl.O.P.No.12749 of 2023

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