



WEB COPY



CrI.OP.No.23393 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.10.2023

CORAM

THE HON'BLE MR. JUSTICE C.V.KARTHIKEYAN

CrI.OP.No.23393 of 2023

Jakki Sheriff,
S/o.Mohammed Youus

...Petitioner

Vs.

State rep by
The Inspector of Police,
Krishnapuram Police Station,
Dharmapuri District.
(Crime No.119/2023)

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No.119 of 2023 on the file of the respondent police.

For Petitioner : Mr.P.K.Ilavarasan

For Respondent : Mr.R.Kishore Kumar
Government Advocate (Criminal Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 28.08.2023, for the offences punishable under Section 420 IPC, in Crime No.119 of 2023, on the file of the respondent police, seeks bail.



Crl.OP.No.23393 of 2023

WEB COPY

2.It is stated by the learned counsel for the petitioner that petitioner has been arrayed as A4 in this case. Petitioner is no way connected with the alleged offence and has been falsely implicated in this case. Thus, he prays for grant of bail to the petitioner.

3.The learned Government Advocate (Criminal Side) stated that all the accused persons stated that they would exchange Rs.2000/- currency notes for commission. Defacto complainant had fallen into the trap and brought Rs.80,00,000/- (Rupees eighty lakhs only) of Rs.500/- currency notes. When he met the accused persons, they stated that they belong to the police department and grabbed the money and ran away. It is further stated that a sum of Rs.18,00,000/- (Rupees eighteen lakhs only) had been recovered and some of the accused had been granted bail by the learned Principal Sessions Judge, Dharmapuri. Thus, he prayed for dismissal of this petition.

4.Taking into consideration the overall facts, the period of incarceration suffered by the petitioner and the fact that the other accused



CrI.OP.No.23393 of 2023

were granted bail, this Court is inclined to grant bail to the petitioner subject to the following conditions. Accordingly, petitioner is ordered to be released on bail on he 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 Judicial Magistrate No.II, Dharmapuri** 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



WEB COPY



CrI.OP.No.23393 of 2023

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 absconds, a fresh FIR can be registered under Section 229A IPC.

11.10.2023

mkn2/sli

To

- 1.The Judicial Magistrate No.II, Dharmapuri.
- 2.The Central Prison, Salem.
- 3.The Public Prosecutor,
High Court of Madras.
- 4.The Inspector of Police,
Krishnapuram Police Station,
Dharmapuri District.
(Crime No.119/2023)



WEB COPY



Crl.OP.No.23393 of 2023

C.V.KARTHIKEYAN. J.

mkn2/sli

Crl.OP.No.23393 of 2023

11.10.2023