



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 23/02/2023
PRESENT

WEB COPY

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD) . No.3523 of 2023

1. Santhosh,
2. Balasubramanian,
3. Sirajrahim,
4. Veeraputhiran,

... Petitioners 1 to 4/
Accused Nos.4,5,7 & 9

Vs

The State rep.by
The Inspector of Police,
Sankarankovil Taluk Police Station,
Tenkasi District.
Crime No.2 of 2023.

... Respondent/Complainant

For Petitioners : Mr.JEGADEESHA PANDIAN V.M., Advocate.
For Respondent : Mr.T.SENTHIL KUMAR,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :- For Anticipatory Bail in Cr.No.2 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A4, A5, A7 & A9, who were arrested and remanded to judicial custody on 06.01.2023 for the offences punishable under Sections 420, 489(B), (C), 201 and 506(2) of IPC in Crime No.2 of 2023 on the file of the respondent police, seek bail.

2.The case of the prosecution is that on 06.01.2023 at 15.30 hours, while the respondent police was conducting vehicle check up at Sankarankovil to Thiruvenkadam Highway near Kalapakulam Bus stop, they intercepted the vehicle bearing TN-01-AU-7525 Honda Amaze (VX) car and asked the details of the persons, who have travelled in the said vehicle and they gave false information and the respondent police, on suspicion, made check up in the said vehicle and seized counterfeit notes and on their information, the respondent police stopped the other two cars and seized counterfeit notes from the said vehicles. Totally Rs.32,00,000/- counterfeit notes and



Rs.2,00,000/- original currency were seized by the police. The said notes were transported by the accused persons to circulate in the said locality for doubling it. Based upon which, the present case came to be registered against the petitioners.

3.The learned counsel for the petitioners would submit that the petitioners are innocents and they have been falsely implicated in this case. He would further submit that other than travelling in the cars, the petitioners have not committed any offence and the contraband was transported by the other accused without the knowledge of the petitioners. He would further submit that A3-Jegadeesan @ Suresh, A8-Krishnaveni and one Seenivash have been granted bail by the Principal Sessions Judge, Tirunelveli and A2 in this case also have been granted bail.

4.In reply, the learned Additional Public Prosecutor appearing for the respondent would submit that in respect of the petitioners, who have granted bail by the lower Court, there is no recovery from them. As far as the petitioners are concerned, the first and second petitioners have travelled in a Honda Amaze (VX) car bearing Registration No.TN-01-AU-7525. Later, during the course of investigation, it was found that the original number of the vehicle is TN-23-VL-5368 and that the petitioners have changed the number plate to travel with wrong identity. He would further submit that as far as the first petitioner is concerned, from his custody, 900 fake notes of Rs.2000/- denomination were recovered and as far as the second petitioner is concerned, 500 fake notes of Rs.2000/- denomination were recovered. He would further submit that as far as the petitioners 3 and 4 are concerned, they are drivers of the vehicle and no recovery has been made from them. He would further submit that the petitioners have been arrested very recently and the investigation is in the nascent stage and he would object for grant of bail.

5.Heard. Perused the materials available on record including the First Information Report.

6.It is submitted by the learned Additional Public Prosecutor for the respondent that from the first and second petitioner, fake notes to the value of Rs.28,00,000/- have been recovered and in respect of the petitioners 3 and 4, they are stated to be the drivers.

7.In view of the above, this Court is not inclined to grant bail to the petitioners 1 and 2 are concerned and thereby, this petition is dismissed for the present as against the petitioners 1 and 2.

8.Taking into consideration the facts and submissions made by the learned counsels, this court is inclined to grant bail to the petitioners 3 and 4, subject to the following conditions:



[a] Accordingly, the petitioners 3 and 4 are ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate Court, Sankarankovil, Tenkasi, and on further conditions that:

[b] 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.

[c] the petitioners 3 and 4 shall report before the respondent police daily at 10.30 A.M. and 05.30 P.M, until further orders.

[d] the petitioners 3 and 4 shall not commit any offences of similar nature.

[e] the petitioners 3 and 4 shall not abscond either during investigation or trial.

[f] the petitioners 3 and 4 shall not tamper with evidence or witness either during investigation or trial.

[g] On breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioners 3 and 4 in accordance with law as if the conditions have been imposed and the petitioners 3 and 4 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].

[h] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-

23/02/2023

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23/02/2023

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI
TO

1 THE JUDICIAL MAGISTRATE,
SANKARANKOVIL,
TENKASI.



2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI,
TIRUNELVELI DISTRICT.

4 THE INSPECTOR OF POLICE,
SANKARANKOVIL TALUK POLICE STATION,
TENKASI DISTRICT.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.JEGADEESHA PANDIAN V.M. Advocate SR.No.2790

ORDER

IN

CRL OP(MD) No.3523 of 2023

Date :23/02/2023

SA/SBN/SAR. /23.02.2023/4P/7C