



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 07/03/2023

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) . No.4360 of 2023

1.Santhosh

2.Balasubramanian

... Petitioners / Accused No.4 & 5

Vs

State Rep. by

The Inspector of Police,

Sankarankovil Taluk Police Station,

Tenkasi District.

(Crime No.2 of 2023)

... Respondent / Complainant

For Petitioners : M/s.V.M.Jegadeesha Pandian  
Advocate.

For Respondent : Mr.R.M.Anbunithi,  
Additional Public Prosecutor

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

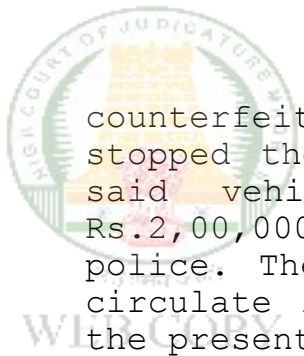
PRAYER :-

For Bail in Crime No.2 of 2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/A4 & A5, who were arrested and remanded to judicial custody on 06.01.2023 for the offence punishable under Sections 420, 489(B), (C) & (E), 201 and 506(2) of IPC in Crime No.2 of 2023 on the file of the respondent police, seeks 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 Thiruvankadam 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 responder 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 respondent 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 this is the second application for bail and the earlier application for bail in Crl.O.P.(MD)No.3523 of 2023 was dismissed on 23.02.2023 in respect of the petitioners alone. He would further submit that the petitioners are innocents and they have been falsely implicated in this case and that the petitioners are in judicial custody from 06.01.2023. Hence, he would seek for bail.

4.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 the petitioners along with A7 and A9 have earlier moved an application for bail in Crl.O.P.(MD)No.3523 of 2023 and this Court, considering the facts and circumstances of the case, has granted bail on 23.02.2023 in respect of A7 and A9 and dismissed in respect of the petitioners are concerned. He would further submit that this is the second application for bail and after the dismissal of the earlier application, there is no change of circumstances. Hence, he would object for grant of bail.

5.Considering the facts and circumstances of the case and also considering the period of incarceration, this court is inclined to grant bail to the petitioners subject to the following conditions:

[a] Accordingly, the petitioners 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 blood related 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 the original Aadhar card or Bank Pass Book to ensure their identity.



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

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

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

[f] the petitioners 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 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].

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

sd/-

07/03/2023

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

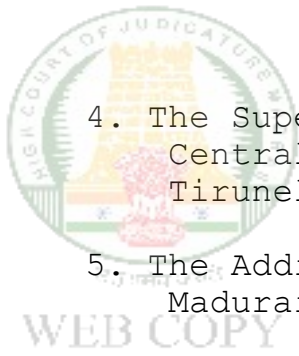
SJI

TO

1.The Judicial Magistrate,  
Sankarankovil, Tenkasi.

2.Do-through the Chief Judicial Magistrate,  
Tirunelveli District.

3.The Inspector of Police,  
Sankarankovil Taluk Police Station,  
Tenkasi District.



4. The Superintendent,  
Central Prison, Palayamkottai,  
Tirunelveli District.

5. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court, Madurai.

+1. CC to MARIMUTHU N Advocate SR.No.3515

ORDER

IN

CRL OP(MD) No.4360 of 2023

Date :07/03/2023

ED/SBN/SAR-3 (08/03/2023) 4P 7C