



CRL OP(MD). No.19140 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 31.10.2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

CRL OP(MD). No.19140 of 2023

Humayun

... Petitioner/ A2

Vs

The State represented by
The Inspector of Police,
Manamelkudi Police Station,
Pudukkottai District.
In Crime No.129 of 2023

... Respondent/Complainant

For Petitioner : M/s.A.Abdul Kabur
Advocate.

For Respondent : Mr.R.M.S.Sethuraman,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.129/2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/ A2 who was arrested and remanded to judicial custody on 07.08.2023 for the alleged offences punishable under Sections 489B, 489C and 420 of IPC in Crime No.129 of 2023, on the file of the respondent police, seeks bail.



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2. The case of the prosecution is that on 07.08.2023, the accused persons went to the TASMAC shop, Manamelkudi and purchased Vorion Brandy bottles, which is worth about Rs.390/-. For which, they paid Rs.500/- note. On suspecting, it is a counterfeit currency, the de-facto complainant requested them to give alternative currency. At that time, the accused persons picked up quarrel with him. When he called the nearby police, the accused persons ran away from the place of occurrence. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and a false case has been foisted against him. He would further submit that the petitioner is in judicial custody from 07.08.2023 and hence, he seeks bail.

4. The learned Additional Public Prosecutor appearing for the respondent Police would submit that A4 handed over 20 numbers of Rs.500/- currency notes to A2 and A3. These persons circulated the same in that area. He would further submit that this is the petitioner's second bail application and the earlier bail application was dismissed by this Court in CrI.O.P(MD)No.17388 of 2023 on 29.09.2023. There is no



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previous case pending against the petitioner. However, he strongly opposed to grant bail to the petitioner.

5. Heard both sides and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case and also taking into consideration the period of incarceration and also considering all other aspects, this Court is inclined to grant bail to the petitioner, subject to the following conditions:

[a] Accordingly, the petitioner is ordered to be released on bail on condition to execute 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 learned Judicial Magistrate, Aranthangi and on further conditions that:

(ii) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;



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(iii)the petitioner shall appear before the respondent police on the first working day of every month at 10.00 am., until further orders.

(iv)the petitioner shall not tamper with evidence or witness;

(v)the petitioner shall not abscond during trial.

vi) 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 in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

vii)If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
31/10/2023

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31/10/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI



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TO
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- 1 THE JUDICIAL MAGISTRATE
ARANTHANGI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI DISTRICT.
- 3 THE INSPECTOR OF POLICE
MANAMELKUDI POLICE STATION, PUDUKKOTTAI DISTRICT.
- 4 THE OFFICER INCHARGE,
SUB JAIL, ARANTHANGI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN

CRL OP(MD) No.19140 of 2023

Date :31/10/2023

SS/SAR- /31/10/2023/5P/6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023