



Crl.O.P.No.11779 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.05.2024

CORAM

THE HON'BLE MR. JUSTICE **R.SAKTHIVEL**

Crl.O.P.No.11779 of 2024

Mummoorthy @ Gurumoorthy
S/o.Duraisamy

...Petitioner/Accused No.3

Vs.

State represented by
The Inspector of Police,
Kunnathur Police Station,
Tiruppur District.
(In Crime No.1209 of 2020)

...Respondent/ Complainant

For petitioner : Mr.Soundar Vijay Arulram

For Respondent : Ms.M.Summi Arnica,
Public Prosecutor

PRAYER: The Criminal Original Petition filed under Section 439 of the Criminal Procedure Code, 1973 (Act No.2 of 1974) praying to enlarge the petitioner on bail in Crime No.1209 of 2020 on the file of the respondent police.

ORDER



This Criminal Original Petition has been filed by the petitioner on 13.05.2024 under Section 439 of the Criminal Procedure Code, 1973 (Act No.2 of 1974) praying to grant bail.

2. The petitioner/3rd accused was arrested and remanded to judicial custody on 06.02.2024 for the alleged offences punishable under Sections 489(b), 489(c) and 420 IPC, in Crime No.1209 of 2020 on the file of the respondent police.

3. The case of the prosecution is that, petitioner along with other accused involved in fake money transaction. Therefore, a case in Crime No.1209 of 2020 was registered against them. On 02.08.2023, the petitioner failed to appear before the trial Court for hearing. Therefore, Non Bailable Warrant was issued against the petitioner on 02.08.2023 and executed on 04.02.2024.

4. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submits that the petitioner is in judicial custody since 06.02.2024. He therefore prayed to grant bail to the petitioner.

5. The learned Public Prosecutor appearing for the respondent-police submitted that the petitioner failed to appear before the trial Court. Thus, she



objected to grant bail to the petitioner/accused.

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6. Heard on both sides. This Court has perused the records.

7. The petitioner was arrested and later released on bail. According to the petitioner, summon was not served on him. Nonailable Warrant was issued on 02.08.2023 and later executed on 04.02.2024. Petitioner is in judicial custody since 06.02.2024. The petitioner has a permanent residence and deep roots in the society. Hence, there is less possibility of absconding. Considering the nature of the offence and the averments made in the FIR, this Court is inclined to grant bail to the petitioner, however, subject to conditions. Accordingly, bail is granted to the petitioner subject to the following conditions:

(i) The petitioner shall execute a **bond for Rs.20,000/-** (Rupees Twenty Thousand only) along with two sureties each for a like sum of Rs.20,000/- (Rupees Twenty Thousand only) to the satisfaction of the **learned District Munsif cum Judicial Magistrate, Uthukuli.**

(ii) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019]. The learned District Munsif cum Judicial Magistrate shall obtain a copy of any one of identity proofs to ensure their identity;

(iii) The petitioner shall furnish his residence address and mobile number;

(iv) **The petitioner shall appear and sign before the trial Court, daily**



Crl.O.P.No.11779 of 2024

at 10.30 a.m., until further orders;

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(v) The petitioner shall not, directly or indirectly, cause any threat to the defacto complainant and witnesses and shall not tamper the evidence;

(vi) On breach of any of the aforementioned conditions, the learned District Munsif cum Judicial Magistrate is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions are imposed by him as laid down by the Hon'ble Supreme Court in ***P.K. Shaji vs. State of Kerala*** [(2005) 13 SCC 283].

8. Accordingly, this Criminal Original Petition is allowed subject to the conditions stated supra.

16.05.2024

Index : Yes/No

Internet : Yes/No

Neutral citation : Yes/No

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Note:-

- 1. Registry is directed to forthwith upload this order in the official website of this Court.**
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Crl.O.P.No.11779 of 2024

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Crl.O.P.No.11779 of 2024

R.SAKTHIVEL. J.

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To

- 1.The District Munsif cum Judicial Magistrate, Uthukuli.
2. Central Prison, Coimbatore.
- 3.The Inspector of Police,
Kunnathur Police Station,
Tiruppur District.
- 4.The Public Prosecutor, High Court of Madras.

Crl.O.P.No.11779 of 2024

16.05.2024