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CrI.O.P.No.22961 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.09.2024

CORAM

**THE HON'BLE MR. JUSTICE P.DHANABAL**

CrI.O.P.No.22961 of 2024

O.Nathan Ikechukwu

...Petitioner/Accused

Vs.

The State represented by  
The Inspector of Police,  
Erode Government Hospital Police Station  
Erode  
(Crime No.50 of 2024)

...Respondent/Complainant

**PRAYER:** Criminal Original Petition filed under Section 483 of B.N.S.S. Act, 2023, praying to enlarge the petitioner on bail in Crime No.50 of 2024 on the file of respondent police.

For Petitioner : Mr.R.Vivekanthan  
For Respondent : Mr.S.Vinoth Kumar  
Government Advocate (CrI. Side)

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### **ORDER**

The petitioner, who was arrested and remanded to judicial custody on 17.08.2024 for the offence under Sections 318(4) of BNS altered into Section 3 (2)(c), 14 of the Foreigners Act, 1946, and Section 3(3) of the Passport Act, 1967, and Section 318(4) of the BNS in Crime No.50 of 2024, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner/accused had contacted the defacto complainant and sought for Indian currency by exchanging the U.S. Dollars for his medical expenses. Following the same, the defacto complainant had given a sum of Rs.42,000/- by receiving 500 U.S. Dollars and the accused had gone away. On verifying the same, it was found that the said U.S.Dollars were counterfeited. Hence the case.

3. Learned counsel for the petitioner submitted that the petitioner is an innocent person, he has not committed any offence as alleged by the prosecution, and he has been falsely implicated in this case. He further submitted that the petitioner is a Nigerian, he has nothing to do with the



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alleged offences and the respondent had erroneously arrested the petitioner, who was in Bangalore along with his family members; and that the name of the petitioner was not mentioned in the complaint. He further submitted that the petitioner has been in custody since 17.08.2024; that the petitioner has one previous case in Crime No.285 of 2021 in which, he was arrested and subsequently, released on bail; that he is ready to furnish substantial sureties for his due release on bail; and therefore, he prays for the grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) submitted that the petitioner/accused is a Nigerian; that the petitioner had contacted the defacto complainant and sought for Indian currency by exchanging the U.S. Dollars for his medical expenses; that the defacto complainant had given a sum of Rs.42,000/- by receiving 500 U.S. Dollars and the accused had gone away; and that on verifying the same, it was found that the said U.S.Dollars were counterfeited. He further submitted that the petitioner has one previous case in Crime No. 285 of 2021, which is similar in nature. Hence, he vehemently opposed the grant of bail to the petitioner.



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

6. Considering the representation made by both sides, the nature of offences charged against the petitioner, that the name of the petitioner was not mentioned in the complaint, and also taking into consideration the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions:

7. Accordingly, the petitioner is ordered to be released on bail on his 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 learned *Judicial Magistrate Court No.II, Erode* and on further conditions that:

**[a] the petitioner shall report before the respondent police on every Saturday at 10.30 a.m., until further orders;**

[b] the petitioner shall attend in accordance with the conditions of the bond;

[c] the petitioner shall not commit any offences of similar to the offence of which he is accused, or suspected, or of the commission of which he is suspected;



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[d] the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence;

[e] the petitioner shall not abscond either during investigation or trial;

[f] On breach of any of the aforesaid conditions, the learned Judicial 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]; and

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of the B.N.S.

**19.09.2024**

*dk*  
To

- 1.The Judicial Magistrate Court No.II,  
Erode.
2. The Superintendent,  
Puzhal Prison,  
Chennai.



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3. The Inspector of Police,  
Erode Government Hospital Police Station,  
Erode.

4. The Public Prosecutor,  
High Court of Madras.

**P.DHANABAL, J.**

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