

Rajeevan vs State of Kerala

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Court : Kerala

Decided On : Jan-09-2024

Judge : Honourable Mr.Justice C.S.Dias

Appeal No. : Bail Appl./11124/2023

Appellant : Rajeevan

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE C.S.DIAS TUESDAY, THE 9TH DAY OF JANUARY 2024 / 19TH POUSHA, 1945 BAIL APPL. NO. 11124 OF 2023 CRIME NO.0356/2023 OF Edacherry Police Station, Kozhikode AGAINST THE ORDER IN FIR 356/2023 OF JUDICIAL MAGISTRATE OF FIRST CLASS ,VADAKARA PETITIONER/ACCUSED: RAJEEVAN AGED 56 YEARS S/O. BALAN, PULLUMALAYIL HOUSE, PERUMPALLY P.O., THAMARASSERY, KOZHIKODE, PIN - 673586 BY ADVS. LUIZ GODWIN D COUTH JOSE KURIAKOSE (VILANGATTIL) BIJO FRANCIS RESPONDENT/STATE: STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, PIN - 682031 BY SR PP SMT SEETHA S

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 09.01.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: -:2:-

ORDER

Dated this the 9th day of January, 2024 The application is filed under Section 438 of the Code of Criminal Procedure, 1973(Code, for short), for an order of pre-arrest bail.

2. The petitioner is the sole accused in Crime

No.356/2023 of the Edechery Police Station, Kozhikode, registered against him alleging to have committed the offences under Sections 420, 468 and 471 of the Indian Penal Code, 1860, (IPC, for short).

3. The prosecution case, in brief, is that: on

04.08.2023 at about 12.30 hours, the accused was found in possession of Beedis made in the name of Kerala Dinesh Beedi by forging the labels and seals of the said company. Thus, the accused has committed the above offences. -:3:-

4. Heard; Sri.Luiz Godwin D Couth, the learned counsel appearing for the petitioner and Smt. Seetha.S., the learned Senior Public Prosecutor appearing for the respondent.

5. The learned counsel for the petitioner vehemently argued that the petitioner is totally innocent of the accusations levelled against him. He has no connection with the beedi business. The petitioner is the sole breadwinner of the family. He is willing to abide by any condition imposed by this Court. Hence, an order of pre-arrest bail may be granted.

6. The learned Public Prosecutor opposed the

application. She contended that it was the petitioner who was found in possession of the beedis made in the name of Kerala Dinesh Beedi, by affixing forged labels. The custodial interrogation of the petitioner is necessary for the proper

investigation of the case. -:4:- Hence, the application may be dismissed.

7. After bestowing my anxious consideration on

the materials placed on record and after appreciating rival submissions made across the bar, I find that the accusation levelled against the petitioner is serious and is a matter that requires the petitioners custodial interrogation. Therefore, I am of the definite view that the petitioner is not entitled to an order of pre-arrest bail.

8. Nonetheless, I direct that, if the petitioner surrenders before the Investigating Officer within 10

days from today, he shall be interrogated and, thereafter, be produced before the jurisdictional Court on the date of surrender itself. Then, if the petitioner moves an application for bail, the jurisdictional Court shall, untrammelled by any observations in this order, consider the bail application on its merits and as

expeditiously as possible. If the petitioner does not -:5:- surrender before the Investigating Officer as directed above, the Investigating Officer shall be free to arrest the petitioner as if no order has been passed in this case. Sd/- C.S.DIAS,JUDGE mtk/09.01.24 -:6:- APPENDIX OF BAIL APPL. 11124/2023 PETITIONER ANNEXURES Annexure A-1 CERTIFIED COPY OF FIR NO. 356/2023 DATED 04.08.2023 Annexure A-2 COPY OF THE ORIGINAL ORDER DATED 04.12.2023 IN CRL.MC NO. 2002/2023 OF THE COURT OF SESSIONS JUDGE, KOZHIKODE

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