

Basheer vs State of Kerala

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Court : Kerala

Decided On : Apr-30-2024

Judge : Honourable Mr.Justice P.G. Ajithkumar

Appeal No. : Bail Appl./3544/2024

Appellant : Basheer

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE P.G. AJITHKUMAR
TUESDAY, THE 30TH DAY OF APRIL 2024 / 10TH VAISAKHA, 1946
BAIL APPL. NO. 3544 OF 2024 CRIME NO.188/2024 OF
MANNARKKAD POLICE STATION, PALAKKAD PETITIONER:
BASHEER AGED 53 YEARS, S/O MUHAMMAD KURIKKAL,
MANACHERI VEEDU, CHEMBARASSERI, THUVVUR, PANDIKKAD,
MALAPPURM, PIN - 679 327. BY ADVS. NIDHI BALACHANDRAN
S.SURAJ (PATHANAMTHITTA) RESPONDENTS: 1 STATE OF
KERALA REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT
OF KERALA, PIN - 682 031. 2 STATION HOUSE OFFICER
MANNARKKAD POLICE STATION, PALAKKAD, PIN - 678 572. BY

BINDU O.V, PUBLIC PROSECUTOR THIS BAIL APPLICATION
HAVING COME UP FOR ADMISSION ON 30.04.2024, THE COURT ON
THE SAME DAY DELIVERED THE FOLLOWING:

P.G. AJITHKUMAR, J.

----- Dated
this the 30th day of April, 2024

ORDER

This is an application for bail filed under Section 439 of the Code of Criminal Procedure, 1973.

2. The petitioner is the 3rd accused in Crime No.188 of 2024 of Mannarkkad Police Station. He allegedly had committed the offences punishable under Section 498 (B) and

(C) r/w Section 34 of the Indian Penal Code.

3. Heard the learned counsel for the petitioner and the learned Public Prosecutor.

4. The prosecution allegation is that the 1st accused in

the crime was found in possession of 121 numbers of counterfeit currency of 500/- denomination and the 2 nd accused was found in possession of 61 numbers of counterfeit currency of 500/- denomination. It was the petitioner, who is the 3rd accused obtained counterfeit currency and distributed to accused Nos. 1 and 2.

5. The petitioner would contend that he did not involve

in the alleged crime and without any material or evidence, he has been implicated in the crime. He is innocent. The investigation in the matter has been progressed considerably and there is no reason or justification for his further detention.

6. The learned Public Prosecutor would submit that

considering the seriousness of the offence and the possibility of interfering with the investigation by the petitioner in the event of his release on bail, this petition deserve only to be dismissed.

7. As per the order dated 19.04.2024 in B.A No.1970

of 2024, this Court granted bail to the 2 nd accused. Having gone through the materials on record, I am of the view that the petitioner is entitled to be granted bail for, no tangible materials other than the statements of accused Nos.1 and 2 and a few witnesses is available to establish the complicity of the petitioner with the crime could be seen.

In the result, the bail application is allowed and the petitioner is granted bail on his executing a bond for 50,000/- (Rupees fifty thousand only), with two solvent sureties for the like amount each, to the satisfaction of the learned Magistrate, subject to the following conditions:

(i) He shall not influence or intimidate witnesses or tamper with evidence;

(ii) He shall appear before the investigating officer as and when called for; and

(iii) During the bail period, He shall not get

involved in any offence. In case of breach of the bail conditions, the prosecution shall be at liberty to apply for cancellation of the bail before the jurisdictional court.

Sd/- P.G. AJITHKUMAR, JUDGE AMR

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