

Baiju vs State of Kerala

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Court : Kerala

Decided On : Apr-28-2023

Judge : Honourable Mr.Justice Ziyad Rahman a.a.

Appeal No. : Bail Appl./238/2023

Appellant : BAIJU

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE ZIYAD RAHMAN A.A.
FRIDAY, THE 28TH DAY OF APRIL 2023 / 8TH VAISAKHA, 1945 BAIL
APPL. NO. 238 OF 2023 [CRIME NO.105/2022 OF CHATHANNOOR
POLICE STATION, KOLLAM] PETITIONER/ACCUSED: BAIJU AGED
46 YEARS S/O BABU, KUNNVILA VEEDU, MEL KADAKKAVUR,
CHIRAYINKEEZHU, THIRUVANATHAPURAM, PIN - 695304 BY ADV
M.R.SASITH RESPONDENT/STATE: STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,HIGH COURT OF
KERALA, PIN - 682031 BY SRI. VIPIN NARAYAN, PUBLIC
PROSECUTOR THIS BAIL APPLICATION HAVING COME UP FOR
ADMISSION ON 28.04.2023, THE COURT ON THE SAME DAY

ORDER

The petitioner is the 1st accused in Crime No.105 of

2022 of Chathannur Police Station, Kollam. The offences alleged against the petitioner and the other accused are under Section 489 B, 489 D and 468 of Indian Penal Code. The allegation is that the accused counterfeited currency with an intention to exchange it with genuine Indian currency on 16.02.2022 at 8:00 PM and entered into a shop named Pooja store at Meenad Palam Junction and purchased

goods for Rs.100/- by giving a fake currency note. The crime was registered in such circumstances and this application for anticipatory bail is submitted as he apprehends arrest in connection.

2. Heard Sri.Sasith M.R, learned counsel appearing for the petitioner and Sri.Vipin Narayan, learned Public Prosecutor for the State.

3. The learned counsel for the petitioner submits that the petitioner is innocent of all the allegations. It is pointed out that there are no materials indicating that the B.A. No.238 of 2023 -:3:- petitioner was in conscious possession of the fake currency.

He denies the allegation of counterfeiting the notes. He further submits that he is ready to abide by any conditions that imposed by this Court and shall cooperate with the investigation.

4. On the other hand, the learned Public Prosecutor

opposes the aforesaid application by pointing out that the allegations raised against the petitioner are very serious in nature. It is point out that, he is the main person behind the counterfeiting and therefore allowing anticipatory bail would cause serious prejudice to the investigation now in progress. He also pointed out that, since the recovery of the equipments used for counterfeiting the notes are to

be recovered, his custodial interrogation is necessary.

5. I have gone through the records. It is evident

that there are serious allegations against the petitioner. The specific contention of the learned Public Prosecutor is that his custodial interrogation is required. After considering all the relevant aspects including the nature of allegations and

B.A. No.238 of 2023 -:4:- the gravity thereof, I am of the view that the anticipatory bail as such cannot be granted. The petitioner has to surrender before Investigating Officer and shall cooperate with the investigation. In such circumstances, this application is disposed of directing the petitioner to surrender before the investigation officer within a period of two weeks from today. Upon such

surrender, and after completing the interrogation the petitioner shall be produced before the Jurisdictional Court on the date of surrender itself provided, he surrenders on or before 11:00 AM on that day. Upon his production before the Jurisdictional Court, it shall be open for the petitioner to move an application for regular bail and if possible, the same shall be considered the Jurisdictional Court on the date of surrender. Sd/- ZIYAD RAHMAN A.A. JUDGE Raj. 29.04.2023.

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