

Cletas vs State of Kerala

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Court : Kerala

Decided On : Jan-30-2023

Judge : Honourable Mr. Justice a. Badharudeen

Appeal No. : Bail Appl./720/2023

Appellant : Cletas

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE A. BADHARUDEEN
MONDAY, THE 30TH DAY OF JANUARY 2023 / 10TH MAGHA, 1944
CRIME NO.921/2022 OF NOORANAD POLICE STATION, ALAPPUZHA
PETITIONER/2ND ACCUSED: CLETAS AGED 45 YEARS
S/O.JEROME, SHAJI BHAVANAM, NERA KODIYATTU SIVA-TEMPLE,
EAST KALLADA, KADAVILA MURI, KOLLAM DISTRICT, PIN - 691502
BY ADVS. SHAJI THANKAPPAN SUBIN K SUDHEER
RESPONDENTS/STATE & COMPLAINANT: 1 STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF
KERALA, PIN - 682031 2 INSPECTOR OF POLICE NOORANAD
POLICE STATION, NOORANAD, ALAPPUZHA DISTRICT, PIN -

690504 SMT.SHEEBA THOMAS, PUBLIC PROSECUTOR THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 30.01.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER

Dated this the 30th day of January, 2023 This is an application for regular bail filed under Section 439 of the Code of Criminal Procedure, 1973 by the second accused in crime No.921/2022 of Nooranad police station, where accused Nos.1 to 7 alleged to have committed offences punishable under Sections 489(A), 489(B), 489(C) and 489 (D) read with Section 34 of IPC.

2. Heard the learned counsel for the petitioner as well as the learned Public Prosecutor.

3. I have perused the case diary materials placed by the learned Public Prosecutor in this matter.

4. The prosecution case runs as under:

The accused, in furtherance of their common intention, possessed counterfeit currency notes as genuine knowing or having reason to believe the same to be counterfeit notes and intends to use the same as genuine. On 08.12.2022 the first accused, 45-year-old lady called Lekha, entered into the Choice Hypermarket at Charummod where the informant was working as Manager and purchased some items from there and gave two counterfeit currency notes of Rs.500/-. Thereafter on 14.12.2022 at 7.58 p.m. the first accused again came to that shop and after purchasing certain items, gave a counterfeit currency note of Rs.500/-. Then the defacto complainant informed the 2 nd accused about the incident and the police party came to the Hypermarket and arrested the 1st accused then and there. Thereafter 4 other counterfeit currency notes for the value of Rs.500/-were recovered from the house of the first accused. It is further alleged that the first accused confessed before the police that the counterfeit currency notes were given to the 1st accused by the 2nd accused. Accordingly, on 15.12.2022 at 7.30 p.m. the 2nd accused/petitioner was arrested and recovered 5 counterfeit currency

notes of Rs.500/- from his wallet. According to the police, the 4th accused made counterfeit currency notes of Rs.2,000/-, Rs.500/-, Rs.200/-, etc. using his laptop and printer with the help of the 5th accused, and circulated through accused Nos. 6 and 1 to 3. It is also alleged that the 6th accused received counterfeit currency notes worth Rs.2,50,000/- from the 4th accused and hence the accused alleged to have committed the above said offences.

5. It is submitted by the learned counsel for the petitioner

that the petitioner has been in custody from 15.12.2022 and the purpose of his investigation in this crime is practically over. Therefore, he is liable to be released on bail. He also submitted that all other accused were enlarged on bail.

6. Whereas the learned Public Prosecutor strongly opposed grant of bail highlighting the seriousness of the offence as well as the involvement of the petitioner in 9 more crimes starting from 2017 onwards.

7. On perusal of the case diary, the prosecution case is

well made out. It is relevant to note that the police recovered 5 fake notes for the value of Rs.500/- from the wallet of the 2nd accused/petitioner herein, when he was arrested and searched. Therefore, the complicity of the petitioner is prima facie, well established. Eventhough previous crimes were reported, taking note of the custody of the petitioner for the last 45 days and the progress of investigation to be inferred from the case diary, I am inclined to release the petitioner on bail. In the result, this petition stands allowed. The petitioner is enlarged on bail on the following conditions:

i. The petitioner shall be released on bail on his executing bond for Rs.50,000/- (Rupees Fifty Thousand Only) with two solvent sureties, each for the like amount to the satisfaction of the Jurisdictional court, concerned.

ii. The petitioner shall not intimidate the witnesses or tamper with evidence. He shall co-operate with the investigation and shall be available for trial. iii. The petitioner shall appear before the Investigating

Officer as and when directed and he shall visit the Investigating Officer on every Monday between 9 am and 10 am, after his release for a period of six weeks or till filing of the final report. iv. The petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of this case, so as to dissuade him from disclosing such facts to the court or to any police officer. v. The petitioner shall not involve in any other offence during the currency of bail and any such event, if informed or came to the notice of this court, the same shall be a reason to cancel the bail hereby granted. Sd/- A. BADHARUDEEN
JUDGE

nkr APPENDIX OF BAIL APPL. 720/2023 PETITIONER ANNEXURES Annexure A 1 TRUE COPY OF THE ORDER IN CRIMINAL M.P.NO:3/2023 OF SESSIONS COURT, ALAPPUZHA, DATED 7/1/2023. Annexure A 2 COMPUTER PRINTOUT OF THE ORDER DATED 11.1.2023 IN B.A.NO.191/2023 OF THIS HON'BLE COURT OBTAINED FROM THE WEBSITE OF THIS HON'BLE COURT Annexure A 3 COMPUTER PRINTOUT OF THE ORDER DATED

17.1.2023 IN B.A. NO.456/2023 OF THIS HON'BLE COURT OBTAINED FROM THE WEBSITE OF THIS HON'BLE COURT.

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