

T. Krishnakumar vs State of Kerala

T. Krishnakumar vs State of Kerala

SooperKanoon Citation : sooperkanoon.com/1334829

Court : Kerala Orders

Decided On : Jul-21-2023

Judge : Honourable Mr. Justice a. Badharudeen

Appeal No. : Bail Appl./1161/2021

Appellant : T. Krishnakumar

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE A. BADHARUDEEN
FRIDAY, THE 21ST DAY OF JULY 2023 / 30TH ASHADHA, 1945
CRIME NO.2271/2020 OF PATHANAPURAM POLICE STATION,
KOLLAM PETITIONER/ACCUSED: T. KRISHNAKUMAR AGED 62
YEARS SIVANANDA BHAVANAM, DEVI LANE ATTUKAL,
MANACAUD, THIRUVANANTHAPURAM, PIN - 695009 BY ADVS.
S.KRISHNA SHRI.GOVIND R. RESPONDENTS: 1 STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF
KERALA ERNAKULAM, PIN - 682031 ADDL 2 SMITHA PONNACHAN
PEACE COTTAGE, MAJAKALA, KUNNICODU, THALAVOOR,
PATHANAPURAM P.O., KOLLAM RURAL PIN-689695 (IS IMPLEADED

AS PER ORDER DATED 15.02.2021 IN CRL.MA NO.1/2021 IN BA NO. 1161/2021) BY ADV.P.G.MANU, SR. PUBLIC PROSECUTOR THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 21.07.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER

Dated this the 21st day of July, 2023 This is an application for anticipatory bail filed by the sole accused in crime No.2271/2020 of Pathanapuram police station, where the prosecution alleges commission of offence punishable under Section 420 of IPC.

2. Heard the learned counsel for the petitioner as well as the learned Public Prosecutor. Perused the relevant documents form part of the case diary.

3. The specific case of the prosecution is that at about

14.15 hours on 15.12.2020, the accused approached the shop of the defacto complainant with fake gold ornaments and availed gold loan worth Rs.65,000/- (Rupees sixty five thousand only) by pledging the fake gold. Later, it was revealed that the petitioner was the person who pledged the fake gold based on the CCTV footage. Accordingly, crime was registered against him, alleging the above said offence.

4. The learned counsel for the petitioner pressed for

anticipatory bail by highlighting absolute innocence and also pointing out the fact that he was implicated in this case since he had antecedents of similar nature.

5. Whereas it is submitted by the learned Public

Prosecutor that the identify of the petitioner as the person who pledged fake gold as alleged by the prosecution is well established by the CCTV footage collected by the Investigating Officer and the petitioner is a person having involvement in two more crimes of similar nature, viz., Crime No.1828/2016 of Kottarakkara police

station under Section 420 of IPC and Crime No.2103/2020 of Vellarada police station under Section 420 of IPC.

6. The available materials prima facie would go to show

that the petitioner's complicity in this matter, particularly, in the matter of pledging fake gold and availing of gold loan thereby could be gathered and in such a case, grant of anticipatory bail would be fatal to the prosecution. Therefore, this petition is liable to be dismissed. In the result, this bail application stands dismissed. Faced with the situation, the learned counsel for the petitioner would submit that the petitioner is ready to surrender before the Investigating Officer. Therefore, the petitioner is directed to surrender before the Investigating Officer within a period of seven days from today. Sd/- A. BADHARUDEEN JUDGE nkr

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com