

Sanees Mon vs State of Kerala

Sanees Mon vs State of Kerala

SooperKanoon Citation : sooperkanoon.com/1374962

Court : Kerala

Decided On : Aug-01-2023

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

Appeal No. : Bail Appl./5894/2023

Appellant : Sanees Mon

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE ZIYAD RAHMAN A.A.
TUESDAY, THE 1ST DAY OF AUGUST 2023 / 10TH SRAVANA, 1945
BAIL APPL. NO. 5894 OF 2023 CRIME NO.696/2023 OF
KAYAMKULAM POLICE STATION PETITIONER/ACCUSED: SANEES
MON AGED 29 YEARS S/O MUHAMED SHAREEF,
PATTATHUMURIYIL, KEERIKKAD,KAYANGULAM, ALAPPUZHA, PIN -
690502 BY ADVS. BASIL CHANDY VAVACHAN GEORGIE SIMON
CHARUTHA BHAIJU CHANDHANA BHAIJU BASIL SAJAN FATHIM
NAVAS BASIL SCARIA RESPONDENT/STATE: STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,HIGH COURT OF
KERALA, PIN - 682031 SMT.V.SREEJA-SR.PP THIS BAIL

APPLICATION HAVING COME UP FOR ADMISSION ON 01.08.2023,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: :2 :

ORDER

Dated this the 1st day of August, 2023 This is an application for anticipatory bail.

2. The petitioner is the accused in crime No.696/2023 of

Kayamkulam Police Station, which was registered for the offences punishable under Sections 13 and 17 of Kerala Money Lenders Act, 1958 and Section 3 read with Section 9 of the Kerala Prohibition of Charging of Exorbitant interest Act, 2012 . In addition to that, Sections 5 and 7 of the Specified Bank Notes (Cessation of Liabilities) Act. 2017 was also incorporated.

3. The crime was registered on the basis of a search

conducted in the premises of the petitioner. During the course of such search, the prohibited currency notes and certain title deeds of some persons along with blank cheque books and registration certificates of certain vehicles were also recovered. According to the prosecution, the petitioner was conducting the business of money lending without obtaining any licence. Since banned currency notes were kept by him, he also committed the offences :3 : under the provisions of the Specified Bank Notes (Cessation of Liabilities) Act. 2017. As the petitioner apprehends arrest in connection with the investigation of the said case, this application for anticipatory bail is submitted.

4. Heard Sri. Basil Chandy Vavachan, the learned counsel appearing for the petitioner and Smt. Sreeja V., the learned Senior Public Prosecutor for the State.

5. I have carefully gone through the records. It is true

that, there are certain allegations against the petitioner. However, from the nature of the offences alleged, it can be seen that the same are to be established on the basis of documentary evidence and the documents were already recovered. The custodial interrogation of the petitioner appears to be not necessary. No criminal

antecedents of the petitioner is also brought to my notice. In such circumstances, I am of the view that, the limited custody for the purpose of interrogation alone would serve the interest of justice. In such circumstances, this bail application is disposed of with the following directions:

(i) The petitioner shall surrender before the Investigating Officer, within a period of two weeks from today, for :4 : subjecting himself to interrogation.

(ii) After interrogation, the petitioner shall be released on

bail on the very same day of surrender upon the petitioner executing a bond for `1,00,000/- (Rupees One Lakh only) with two sureties each for the like sum, to the satisfaction of the Investigating Officer.

(iii) The petitioner shall fully cooperate with the investigation, including subjecting himself to the deemed police custody for the purpose of recovery, if any, as and when demanded.

(iv) The petitioner shall appear before the Investigating Officer between 10.00 a.m and 11.00 a.m. every Saturday until the filing of the final report.

(v) The petitioner shall also appear before the Investigating Officer as and when required.

(vi) The petitioner shall not commit any offence of similar nature while on bail.

(vii) The petitioner shall not make any attempt to contact

any of the prosecution witnesses, directly or through any other person, or in any other way try to tamper with the evidence or influence any witnesses or other persons related to the investigation. (viii) The petitioner shall not leave India without the permission of the Jurisdictional Court.

In case of violation of any of the above conditions, the jurisdictional Court shall be empowered to consider the :5 : application for cancellation of bail, if any, and pass appropriate orders in accordance with the law. Sd/- ZIYAD RAHMAN A.A. JUDGE
ncd :6 : APPENDIX OF BAIL APPL. 5894/2023 PETITIONER ANNEXURES

Annexure 1 THE TRUE COPY OF THE FIR IN CRIME NO.696/2023 OF KAYAMKULAM POLICE STATION, ALAPPUZHA Annexure 2 THE TRUE COPY OF AFFIDAVIT OF MR. VIJAYAMADHAVAN DATED 12/07/2023 Annexure 3 THE TRUE COPY OF AFFIDAVIT OF MR. JUBAID.S DATED 12/07/2023 Annexure 4 THE TRUE OF SCREENSHOT OF THE WEBSITE SHOWING CURRENT OWNER DETAILS OF VEHICLE REGISTERED NO. KL-29-M-4555

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