

Anoop Kumar @ Anoop vs State of Kerala

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Court : Kerala

Decided On : Aug-14-2023

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

Appeal No. : Bail Appl./6373/2023

Appellant : Anoop Kumar @ Anoop

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE ZIYAD RAHMAN A.A.
MONDAY, THE 14TH DAY OF AUGUST 2023 / 23RD SRAVANA, 1945
CRIME NO.158/2023 OF KOLLENGODE POLICE STATION,
PALAKKAD PETITIONER/ACCUSED ANOOP KUMAR @ ANOOP
AGED 34 YEARS S/O. SIVARAMAN, RESIDING AT VALLAKUNNAM
HOUSE, POTTIMADA, VANUR, PALAKKAD., PIN - 678001 BY ADV
SURESH JOSEPH RESPONDENT: 1 STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF
KERALA, PIN - 682031 2 STATION HOUSE OFFICER KOLLENGODE
POLICE STATION, PALAKKAD, PIN - 678013 BY ADV SMT.SREEJA V.
- SR.PUBLIC PROSECUTOR THIS BAIL APPLICATION HAVING

COME UP FOR ADMISSION ON 14.08.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER

The petitioner is the accused in Crime No.158/2023 of Kollengode Police Station which was registered for the offences punishable under Sections 406 and 420 of the IPC.

2. The prosecution case is that, on 03.03.2023 at about

8.30 a.m., the petitioner with the intention to cheat the defacto complainant, who is the owner of Grant Gold Loan at Kollengode by making the defacto complainant believe that the petitioner requires an amount of Rs.15,00,000/- to take back the gold pledged before the bank, had obtained a loan from him. It is alleged that, the defacto complainant was persuaded to give the said amount by showing fake currency notes. The crime was registered in such circumstances and the petitioner was arrested in connection with the investigation of the said case on 28.06.2023. Since then he has been under judicial detention. This application for regular bail is submitted in such circumstances.

3. Heard Sri.Suresh Joseph, learned counsel for the petitioner and Smt.Sreeja V., learned Public Prosecutor for the State.

4. The learned counsel for the petitioner submits that the

petitioner is innocent of all the allegations and he was falsely implicated in the said case. He points out that about 50 days have elapsed since the date of arrest and therefore, there is no purpose in keeping the petitioner under detention.

5. On the other hand, the learned Public Prosecutor

opposes the application by pointing out that, cheating was committed by the petitioner in this case with meticulous planning. It is also pointed out that the petitioner was involved in seven other cases in which three were already disposed of and four cases are pending trial. The details of which are as follows:

1. Alathur PS Crime No.358/2018 U/s 392 R/w 34 IPC (SC No.664/2021 of Addl District Sessions V Court Palakkad Hg date 08.09.2023)
2. Town South PS Crime No. 25/2017 U/s 406, 420. IPC (CC No. 72/2017 of CJM Court Palakkad Hg date. 05.09.2023)
3. Alathur PS Crime No.694/2023 U/s 420 R/w 34 1PC (Charge Sheet Submitted on 22.07.2023 before JFCM, Alathur)
4. Kannur Aaralam PS Crime No. 215/2022 U/s 420, 406 IPC (CC No. 485/2023 of JFCM, Mattanur Hg. Date 17.10 2023) In addition to the above cases, the following cases were also registered against the accused and the same were disposed of by the court concerned.

1. Town South PS Crime No. 1266/2015 U/s 406, 420 R/w 34 IPC
2. Town South PS Crime No. 1323/2015 U/s 406, 420 R/w 34 IPC.
3. Town South PS Crime No. 1327/2015 U/s 406, 420 R/w 34 IPC The dismissal of the bail application was sought in such circumstances.

6. I have gone through the records. It is true that there are

specific allegations against the petitioner and he is also having criminal antecedents. However, it is a fact that the petitioner has been in judicial custody since 28.06.2023 and there is substantial progress in the investigation. In such circumstances, I do not find any necessity of further incarceration of the petitioner. Therefore, the petitioner can be released on bail with stringent conditions to cooperate with the trial.

Accordingly, this application is allowed and the petitioner is directed to be released on bail subject to the following conditions: i) The petitioner shall be released on bail on executing a bond for Rs.1,00,000/- (Rupees One Lakh only) with two solvent sureties each for the like sum to the satisfaction of the jurisdictional Court.

ii) The petitioner shall fully cooperate with the investigation. iii) The petitioner shall appear before the Investigating Officer between 10.00 a.m and 11.00 a.m on every

Wednesday until the filing of final report. iv) The petitioner shall appear before the Investigating Officer as and when required. v) The petitioner shall not commit any offence of similar nature while on bail. vi) The petitioner shall not make any attempt to contact any

of the prosecution witnesses, directly or through any other person, or any other way try to tamper with the evidence or influence any witnesses or other persons related to the investigation. vii) The petitioner shall not leave India without the permission of the jurisdictional court. viii) The petitioner shall surrender his passport before the Jurisdictional court and, in case he does not have a passport, an affidavit to that effect shall be filed. In case of violation of any of the above conditions, the jurisdictional Court shall be empowered to consider the application for cancellation of bail, if any, and pass appropriate orders in accordance with the law. Sd/- ZIYAD RAHMAN A.A. JUDGE scs

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