

Ansar vs State of Kerala

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Court : Kerala

Decided On : Feb-24-2022

Judge : Honourable Mr. Justice Gopinath P.

Appeal No. : Bail Appl./45/2022

Appellant : ANSAR

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE GOPINATH P. THURSDAY, THE 24TH DAY OF FEBRUARY 2022 / 5TH PHALGUNA, 1943 BAIL APPL. NO. 45 OF 2022 Crime No.1664/2020 of Peroorkada Police Station PETITIONER: ANSAR AGED 62 YEARS SON OF ADUL HAMEED, ANSAR MANZIL, PARAMUTTOM WARD, NEDUMANGAD VILLAGE, THIRUVANANTHAPURAM, PIN-695005. BY ADV M.ABDUL RASHEED RESPONDENTS/STATE: 1 STATE OF KERALA REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM, PIN-682031. 2 STATION HOUSE OFFICER, PEROORKADA POLICE STATION, PEROORKADA P.O., THIRUVANANTHAPURAM, PIN-695005. OTHER PRESENT: SRI. T. R.

RENJITH (SR,PP) THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 24.02.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: B.A. No.45/2022 -2-

ORDER

The petitioner is the accused in Crime No.1664/2020 of Peroorkada Police Station, Thiruvananthapuram District alleging commission of offences under Sections 465, 468, 471 & 420 of the Indian Penal Code.

2. The learned counsel for the petitioner would submit that one Krishnan

was found selling cigarettes in packets with a fabricated price different from the price actually printed on packets. It is submitted that the petitioner was also made an accused in the case only on the basis of the statement given by the aforesaid Krishnan that he had purchased the cigarette packets in question from the petitioner. The learned counsel submits that the petitioner is a wholesale dealer and the petitioner has not modified or tampered with the printed price in any manner. It is submitted that only on the basis of the statement given by the aforesaid Krishnan, the petitioner has been made an accused. It is submitted that the petitioner has been carrying on the business for quite some time and there has been no similar allegations raised against the petitioner.

3. Heard the learned Public Prosecutor also. The learned Public Prosecutor points out the circumstances of the case and submits that the custody of the petitioner is necessary for the purposes of investigation.

4. Having regard to the facts and circumstances of the case and

considering the fact that no criminal antecedents are reported against the petitioner, I am of the view that the petitioner can be granted anticipatory bail subject to conditions. I am convinced that his custodial interrogation may not be necessary for a proper investigation into the matter. However, I make it clear that a

B.A. No.45/2022 -3- limited custody of the petitioner will be available to the prosecution for the purpose of investigation. In the result, this bail application is

allowed. It is directed that the petitioner shall be released on bail, in the event of arrest in connection with Crime No.1664/2020 of Peroorkada Police Station subject to the following conditions:-

(i) Petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees fifty thousand only) with two solvent sureties each for the like sum to the satisfaction of the jurisdictional Court;

(ii) Petitioner shall report before the Investigating officer in Crime No.1664/2020 of Peroorkada Police Station at 10 a.m on 08-03-2022 and thereafter as and when called upon to do so;

(iii) Petitioner shall not interfere with the investigation or to influence or intimidate any witness in Crime No.1664/2020 of Peroorkada Police Station;

(iv) Petitioner shall not involve in any other crime while on bail. If any of the aforesaid conditions are violated, the Investigating officer in Crime No.1664/2020 of Peroorkada Police Station may file an application before the jurisdictional Court for cancellation of bail. Sd/- GOPINATH P. JUDGE AMG

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