

Ajmal vs State of Kerala

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Court : Kerala

Decided On : Mar-14-2022

Judge : Honourable Mr. Justice Gopinath P.

Appeal No. : Bail Appl./548/2022

Appellant : AJMAL

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE GOPINATH P.
MONDAY, THE 14TH DAY OF MARCH 2022 / 23RD PHALGUNA, 1943
BAIL APPL. NO. 548 OF 2022 CRIME NO.570/2015 MUKKAM POLICE
STATION, KOZHIKKODE DISTRICT PETITIONER/ACCUSED: AJMAL
AGED 31 YEARS,S/O.AHAMMED C. CHALIL HOUSE, CHERUVADI
PO, MAVOOR VIA, KOZHIKODE, PIN - 673661 BY ADVS. RAMEEZ
NOOH P.RAFTHAS RESPONDENT/COMPLAINANT: STATE OF
KERALA REPRESENTED BY PUBLIC PROSECUTOR,HIGH COURT
OF KERALA ERNAKULAM, PIN - 682031 BY ADV PUBLIC
PROSECUTOR OTHER PRESENT: SMT. SEETHA .S. (SR.PP) THIS
BAIL APPLICATION HAVING COME UP FOR ADMISSION ON

14.03.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: BAIL APPL. NO. 548 OF 2022 2

ORDER

This is an application for anticipatory bail.

2. Petitioner is the accused in crime No.570/2015 Mukkam Police Station, Kozhikkode District alleging commission of offences under Section 489 (B) of the Indian Penal Code. The allegation against the petitioner is that he deposited certain amounts in the Federal Bank of India account

of Highlife Ayurvedic Multi Speciality Hospital which contained 12 counterfeit currency notes each of the value of Rs.1,000/- (Rupees Thousand Only) and thereby committed the offences alleged against him.

3. The learned Counsel appearing for the petitioner submits that the petitioner was working as an accountant in the

aforesaid hospital on the relevant date. It is submitted that the petitioner had only deposited the collections in the account of the hospital and he had no role whatsoever with the alleged counterfeit notes. It is submitted that Annexure C certificate will show that the petitioner was working as an accountant at the relevant point of time. It is also pointed out with reference to Annexure B, that even the bank has no case that it was the petitioner who had deposited the counterfeit notes. BAIL APPL. NO. 548 OF 2022 3

4. The learned Public Prosecutor opposes the grant of

bail. The seriousness of offence alleged against the petitioner is pointed out. It is submitted that the crime though registered in 2015 is to be thoroughly investigated and for the same purposes the custodial interrogation of the petitioner is absolutely necessary.

5. Having regard to the facts and circumstances of the

case and considering the nature of the allegation taking into account of the fact that the petitioner was working as an accountant who had deposited the amount collected including the counterfeit currency into the account of the company in which he was working, I am of the view that the petitioner can be granted anticipatory bail subject to the following conditions.

In the result, this application is allowed. It is directed that the petitioner shall be released on anticipatory bail, in the event of arrest in Crime No.570/2015 Mukkam Police Station, Kozhikkode District subject to the following conditions:-

(i) Petitioner shall execute 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 appear before the investigating officer in BAIL APPL. NO. 548 OF 2022 4 Crime No.570/2015 Mukkam Police Station, Kozhikkode District at 10.00 A.M on 18-03-2022 & 19-03-2022 and thereafter whenever called upon to do so;

(iii) Petitioner shall not attempt to contact or interfere with the investigation or to influence or intimidate any witness in Crime No. 570/2015 Mukkam Police Station, Kozhikkode District ;

(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.570/2015 Mukkam Police Station, Kozhikkode District may file an application before the jurisdictional Court for cancellation of bail. Sd/- GOPINATH P. JUDGE

ats BAIL APPL. NO. 548 OF 2022 5 APPENDIX OF BAIL APPL. 548/2022 PETITIONER ANNEXURES ANNEXURE -A A TRUE COPY OF THE FIR NO.570/2015 DTD. 09.12.2015 REGISTERED ON THE FILES OF MUKKAM POLICE STATION,KOZHIIKODE ANNEXURE-B TRUE COPY OF THE COMPLAINT DTD. NIL FILED BY THE ASSISTANT MANAGER OF FEDERAL BANK, MUKKAM BRANCH BEFORE THE MUKKAM POLICE STATION.

ANNEXURE-C TRUE COPY OF THE EXPERIENCE CERTIFICATE
DTD.15.01.2018 ISSUED BY THE M/S. HIGHLIFE AYURVEDIC MULTI
SPECIALTY HOSPITAL, MUKKAM, KOZHIKODE ANNEXURE-D TRUE COPY
OF THE ORDER DTD. 03.01.2022 IN CRL.MC NO. 1806/2021 ON THE FILES
OF ADDL. SESSIONS JUDGE-I, KOZHIKODE.

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