

Saneesh vs State of Kerala - S.I of Police Kodugallur Represent ED by Public Prosecutor 682031

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Court : Kerala

Decided On : Oct-06-2022

Judge : Honourable Mr.Justice Viju Abraham

Appeal No. : Bail Appl./7762/2022

Appellant : Saneesh

Respondent : State of Kerala - S.I of Police Kodugallur Represent ED by Public Prosecutor 682031

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE VIJU ABRAHAM
THURSDAY, THE 6TH DAY OF OCTOBER 2022 / 14TH ASWINA, 1944
BAIL APPL. NO. 7762 OF 2022 Crime No.814/2022 of Kodungallur
Police Station AGAINST THE ORDER/JUDGMENT IN CRMC 1224/2022
OF DISTRICT COURT & SESSIONS COURT,THRISSUR
PETITIONER/ACCUSED: SANEESH AGED 40 YEARS SANEESH S/O
SUBRAMANIAN, KALATHIL HOUSE, PAYBAZAR DESOM, ERIYAD
VILLAGE, KODUNGALLUR TALUK, THRISSUR, PIN - 680666 BY

ADVS. P.MURALEEDHARAN ABRAHAM P.MEACHINKARA
MARGARET MAUREEN DROSE JAYAKRISHNAN P.R. THOMAS
GEORGE RESPONDENT/STATE: STATE OF KERALA - S.I OF
POLICE KODUGALLUR REPRESENT ED BY PUBLIC PROSECUTOR
682031 REPRESENTED BY PUBLIC PROSECUTOR,HIGH COURT OF
KERALA, PIN - 682031 OTHER PRESENT: PP - SRI. M.C.ASHI THIS
BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
06.10.2022, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING: B.A. No.7762 of 2022 :2:

VIJU ABRAHAM, J.

B.A. No.7762 of 2022 Dated this the 6th day of October, 2022

ORDER

This is an application for regular bail.

2. The petitioner is the sole accused in Crime No.814/2022 of Kodungallur Police Station alleging commission of offences punishable under Sections 406 and 420 of Indian Penal Code.

3. The prosecution allegation is that, the petitioner pledged

fake gold ornament of 17.5 sovereign at the Eriyad branch of South Indian Bank and induced the bank to advance Rs.53,000/- as loan by describing the ornament as original gold and thereby cheated the bank. 4 .The learned counsel for the petitioner submitted that the petitioner has been falsely implicated in the above said crime. It is also submitted that even going by the prosecution case, the gold ornaments were pledged as early as on 07.09.2020 and the crime was registered only on 27.08.2022. It is further submitted that the petitioner is in custody from 27.08.2022 onwards.

5. The learned Public Prosecutor opposed the application for bail mainly contending that the petitioner has serious criminal B.A. No.7762 of 2022 :3: antecedents as he is involved in 11 other criminal cases.

6. Having regard to the facts and circumstances of the case,

considering the nature of the allegations and considering the fact that the petitioner is in custody from 27.08.2022 onwards, further detention of the petitioner may not be required for the purpose of investigation in the present case and therefore, I am inclined to grant bail to the petitioner, but considering the antecedents of the petitioner, the same shall be on stringent conditions. In the result,

the bail application is allowed. It is directed that the petitioner shall be released on bail, subject to the following conditions:

(i) The 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) The petitioner shall appear before the investigating officer in Crime No.814/2022 of Kodungallur Police Station on every Saturday at 11 am, until filing of final report;

(iii) The petitioner shall not attempt to interfere with the investigation or to influence or intimidate the defacto complainant or any witness in Crime No.814/2022 of Kodungallur Police B.A. No.7762 of 2022 :4: Station;

(iv) The petitioner shall not leave the State without obtaining prior permission from the trial Court;

(v) The petitioner shall surrender his passport

before the jurisdictional court. If the petitioner does not have a passport, he shall execute an affidavit to that effect and file the same before the said court within seven days of release on bail;

(vi) The 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.814/2022 of Kodungallur Police Station may file an application before the jurisdictional court, for cancellation of bail. Sd/- VIJU ABRAHAM JUDGE sm/