

Santhoshkumar Vs. State of Kerala

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SooperKanoon Citation : sooperkanoon.com/903552

Court : Kerala

Decided On : Jun-22-2010

Judge : K. Hema, J.,

Acts : Indian Penal Code (IPC) - Sections 34, 120B, 420, 465, 468 and 471

Appeal No. : Bail Appl. No. 3653 of 2010

Appellant : Santhoshkumar

Respondent : State of Kerala

Advocate for Def. : No Appearance

Advocate for Pet/Ap. : P. Vijaya Bhanu, Adv.

Disposition : Petition allowed

Judgement :

ORDER

K. Hema, J.

1. This petition is for bail.

2. The alleged offences are under Sections 120B, 420, 465, 468 and 471 read with Section 34 of the Indian Penal Code. According to prosecution, petitioner(A5) committed forgery by creating false Demand Drafts by using cheque leaves. This

was done for the purpose of producing before the Check Post, when live chicken was being transported in bulk from different parts of Tamil Nadu to Kerala. The Demand Drafts were produced towards Value Added Tax to be paid by dealers while transporting live chicken from other States to Kerala. A huge loss to the tune of Rs. 14 crores was caused to the Government. The offences were detected when the Demand Drafts were sent to Bank.

3. Petitioner was taken into custody on 30.1.2010. 25 cases were registered against him. The arrest of petitioner in this case was recorded on 28.4.2010. In all the cases together, petitioner is in custody for the past about five months. Learned Public Prosecutor submitted that he has no objection in granting bail, taking into consideration the stage of investigation and the fact that certain co-accused were granted bail. Petitioner himself was granted bail in some other cases.

4. On hearing both sides, I am satisfied that bail can be granted to petitioner on conditions. Hence, the following order is passed:

Petitioner shall be released on bail on his executing a bond for Rs. 50,000/- (Rupees fifty thousand only) with two solvent sureties each for the like sum to the satisfaction of the court concerned, on the following conditions:

(i) Petitioner shall report before the Investigating Officer on every Monday and Thursday between 10 a.m. and 1 p.m. for a period of two months and thereafter, on every Monday, until charge sheet is filed or until further orders.

(ii) Petitioner shall not influence or intimidate any witness or tamper with evidence.

(iii) In case the petitioner is involved in any offence of similar nature, his bail is liable to be cancelled.

Petition is allowed.