

Sajan Vs. State of Kerala

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Court : Kerala

Decided On : Nov-18-2010

Judge : V. Ramkumar, J.

Acts : Indian Penal Code (IPC) - Sections 489B, C

Appeal No. : Bail Application No.6868 of 2010

Appellant : Sajan

Respondent : State of Kerala

Advocate for Pet/Ap. : SRI.S.RAJEEV, Adv.

Judgement :

V. RAMKUMAR, J.

Bail Application No.6868 of 2010

Dated: 18.11.2010

ORDER

1. Petitioner, who is the 5th accused in Crime No.375/2010 of Nedumkandam Police Station for offences punishable under Sections 489B and C IPC, seeks his enlargement on bail. The petitioner was arrested on 3.9.2010.

2. The learned Public Prosecutor opposed the application contending, inter alia, that A1 and A4 had gone to Huzoor in Karnataka State and had procured fake currency notes for `3 lakhs by paying `1 lakh in genuine currency and the petitioner had purchased fake notes for `50,000/- by paying `25,000/- to A3.

3. Learned counsel for the petitioner submitted that the petitioner who was an innocent possessor of fake notes had, on coming to know that they are fake notes, destroyed the same and that none of the five remand reports mentions about the alleged purchase of fake notes by A5 from A3.

4. The case diary files which were perused by me shows that A3 had taken from one Suku fake notes for `50,000/- and had given the same to A5 of Ayoor in his shop on A5 paying him `25,000/-.

5. A remand report need not contain each and every material revealed by the investigation and therefore, failure, if any, to mention the above circumstance in the remand report cannot exculpate the petitioner whose complicity in the matter is revealed by the case diary files. At the time of his arrest he was in possession of three out of the several fake notes purchased by him from A3.

6. Having regard to the gravity of the offences, nature of the allegations levelled against the petitioner, the relative conduct of the parties, the threat to the economic stability of the State, the propensities of the petitioner, the inter-State ramifications of the racket and the other facts and circumstances of the case, I am of the view that if the petitioner is released on bail, he will definitely influence and intimidate the prosecution witnesses. There is also the likelihood of the petitioner making himself scarce and fleeing from justice. I am, therefore, not inclined to grant bail to the petitioner at this stage.

7. This petition is accordingly dismissed.

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