IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 8TH DAY OF APRIL 2015/18TH CHAITHRA, 1937

Bail Appl..No. 1442 of 2015 ()

CRIME NO. 453/2015 OF THRISSUR EAST POLICE STATION,
THRISSUR DISTRICT

APPLICANTS/ACCUSED NOS.1 & 2:

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1. GIJO ANTONY, AGED 35 YEARS, S/O. ANTONY,
   THADIKKARAN HOUSE, EDATHRUTHY VILLAGE,
   EDATHRUTHY, THRISSUR.

2. SUDHEESH, AGED 24 YEARS,
   S/O. RADHAKRISHNAN, PADASSERRY HOUSE,
   MEDICAL COLLEGE P.O., M.G.KAVU, THRISSUR.

BY SRI.P.VIJAYA BHANU,SENIOR ADVOCATE
ADVS. SRI.M.REVIKRISHNAN
SRI.VIPIN NARAYAN

RESPONDENT/COMPLAINANT :

STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.V.S.SREEJITH

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 08-04-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

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B. KEMAL PASHA, J.

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B.A. No.1442 of 2015

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Dated this the 8th day of April, 2015

O R D E R

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Petition under Section 438 Cr.P.C.

2. Petitioners are accused Nos.1 and 2 in Crime No.453/2015 of Thrissur East Police Station registered for the offence punishable under Section 489B IPC.

3. It is alleged that on 15.03.2014, 8 counterfeit currency notes of the denomination of ₹1,000/- were handed over by the petitioners at the Mission Quarters Branch of the South Indian Bank. The Nodal Officer of the said Bank has appeared at the West Police Station, Thrissur and furnished the information, on the basis of which Crime No.604/2014 was registered. Thereafter, the crime was transferred to the East Police Station, Thrissur, where the crime has been re-registered as Crime No.453/2015.

4. Heard the learned Senior Counsel for the

petitioners and the learned Public Prosecutor.

5. The learned Senior Counsel for the petitioners has pointed out that the petitioners are running the institution named Thomson Pharma, Eringeri Angadi, Thrissur of which the 1st accused, who is the 1st petitioner herein, is the Managing Partner. They used to remit regularly an amount around ₹3 lakhs daily at the said bank. In the year 2013-2014, the total remittance made by them was for ₹7,96,72,342/- as is evident from the certificate dated 06.03.2015 issued by the Bank, which has been produced before his Court. On no other occasion, any such counterfeit currency notes were produced before the Bank by the petitioners. The learned Senior Counsel for the petitioners has pointed out that money use to come to the institution from several quarters and somebody might have paid the said fake currency notes at the said institution, which ultimately happened to be produced before the Bank unknowingly, by the petitioners.

6. Apart from all the above, it seems that the Manager of the Bank has already issued a certificate stating that the matter was informed to the petitioners over the phone after the remittance and immediately on such information, they approached the Bank and paid ₹8,000/- for regularising the said account. When such fake currency notes came to the Bank, the Bank has rightly chosen to handover the same to the Chief Manager of the Bank for producing it before the police. The matter was informed through the Nodal Officer as aforesaid and the crime was registered.

7. On hearing the submissions made by the learned Senior Counsel for the petitioners and on a perusal of the records, it seems that the said counterfeit currency notes of the denomination of ₹1,000/-, 8 in numbers, had reached the institution as payment made by some of the customers and unknowingly, the said notes were happened to be accepted and produced before the Bank by the petitioners.

At no stretch of imagination at this stage, it can be presumed that the petitioners are accused in the crime, whereas, *prima facie*, it seems that they are witnesses in the matter. Matters being so, I do not think that the custodial interrogation of the petitioners is required for the continued investigation of this case. The matter has to be thoroughly investigated. Matters being so, I am of the view that this is a fit case wherein anticipatory bail can be granted to the petitioners.

8. In the result, this bail application is allowed and the investigating officer or such other police officer, who is conducting the arrest of the petitioners, is directed to enlarge the petitioners on bail in the event of their arrest on each of them executing a bond for ₹25,000/- (Rupees twenty five thousand only) with two solvent sureties each for the like sum to the satisfaction of the officer conducting arrest, and subject to the following terms and conditions:-

(i) The petitioners shall report before the

investigating officer in between 9 a.m. and 11 a.m. on all Wednesdays and Saturdays commencing from 15.04.2015 for a period of three months or till the filing of the final report in this case, whichever is earlier.

(ii) The petitioners shall not tamper with the evidence or influence witnesses.

(iii) The petitioners shall make themselves available for interrogation as and when required by the investigating officer.

(iv) The petitioners shall not involve in any offence while on bail.

It is made clear that the violation of any of the conditions stipulated above will result in the cancellation of bail.

Sd/-
(B.KEMAL PASHA, JUDGE)

aks/08/04

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PA to Judge