

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

WEDNESDAY, THE 23RD DAY OF SEPTEMBER 2015/1ST ASWINA, 1937

Bail Appl..No. 5911 of 2015

**CRIME NO. 675/2015 OF ERNAKULAM CENTRAL POLICE STATION,
ERNAKULAM DISTRICT.**
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APPLICANT/ACCUSED NO.2:

**N. NEGIMUDHEEN, AGED 57 YEARS,
II F, PEEVEES TRITON, MARINE DRIVE,
SHANMUGHAM ROAD, KOCHI-31.**

**BY SRI.P.VIJAYA BHANU (SENIOR ADVOCATE)
ADVS. SRI.THOMAS J.ANAKKALLUNKAL
SRI.VIPIN NARAYAN**

RESPONDENT/COMPLAINANT:

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

BY PUBLIC PROSECUTOR SRIC.RASHEED

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 23-09-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

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A.HARIPRASAD,J.

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B.A.No.5911 of 2015

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Dated this the 23rd day of September, 2015

O R D E R

Application for bail under Section 439 of Cr.p.C.

2. The petitioner is the second accused in Crime No.675/2015 of Ernakulam Central Police Station, Ernakulam District, registered for offences under Sections 489(B) and (C) of the Indian Penal Code.

3. The case arise out of a complaint filed by the Manager of the ICICI Bank, M.G.Road, Ernakulam alleging that the accused persons brought one wade of currency notes of Rs.1000 denomination for depositing in the Bank. The incident was on 14-09-2015. An amount of 9.5 Lakhs was sought to be deposited, wherein the fake currency was also included.

4. Heard the learned Senior counsel for the petitioner and the learned Public Prosecutor.

5. According to Senior counsel for the petitioner, the money was handed over by One Sri.Shihas, Malappuram as the sale price of a Mercedes Benz Car

owned by the petitioner. A part of the price was paid in cash and agreement was to transfer rest of the money to the account of the petitioner. Out of the money handed out in cash fake currency happened to be included. The petitioner pleads innocence.

6. The learned Prosecutor contended that the investigation is at an initial stage. The person who have alleged to purchased the car has to be found out and questioned. According to the learned Senior counsel there is no mens rea on the part of the petitioner in possessing fake currency. Considering the nature of contentions and that he is custody from 14-09-2015, bail is granted to the petitioner with the following conditions:

- i. The petitioner shall be released on bail on executing a bond for Rs.1,00,000/- (Rupees One Lakh only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate having jurisdiction.
- ii. The sureties shall produce documents to establish their identity and solvency. The learned Magistrate need not insist on the solvency certificate, but other documents can also be perused to find out whether the sureties are solvent or not.

iii. The petitioner shall surrender his passport before the lower court concerned or if he does not have the one, file an affidavit to that effect.

iv. The petitioner shall appear before the Investigating Officer on all Mondays and Thursdays between 10.00 and 11.00 A.M until final report is filed.

v. The petitioner shall not indulge in any offence while on bail.

vi. The petitioner shall not influence or intimidate the witnesses or meddle with the investigation in any manner.

If any of the above conditions is breached by the petitioner, the learned Magistrate is free to cancel bail without referring the matter to this Court.

Sd/-
A.HARIPRASAD
JUDGE

AVS