

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

TUESDAY, THE 27TH DAY OF OCTOBER 2015/5TH KARTHIKA, 1937

Bail Appl..No. 6358 of 2015 ()

**CRIME NO. 1012/2015 OF KASABA POLICE STATION , KOZHIKODE CITY,
KOZHIKODE DISTRICT**

PETITIONER/3RD ACCUSED:

**K.B.ANOOP,AGED 35 YEARS,
S/O.BALACHANDRAN, KAVUPURAKKAL HOUSE,
ERUMELY, KORATHODE P.O, KOTTAYAM DISTRICT.**

**BY ADVS.SRI.D.KISHORE
SMT.MINI GOPINATH**

RESPONDENT(S)/STATE & COMPLAINANT:

- 1. STATE OF KERALA,
REPRESENTED BY ITS PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM -682 031.**
- 2. THE SUB INSPECTOR OF POLICE,
KASABA POLICE STATION, KOZHIKODE CITY - 678 001.**

BY PUBLIC PROSECUTOR SMT. R.REMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 27-10-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

sts

A.HARIPRASAD, J.

B.A.No.6358 of 2015

Dated this the 27th day of October, 2015

ORDER

Application filed under Section 439 of the Code of Criminal Procedure.

2. Petitioner is the 3rd accused in Crime No.1012 of 2015 of Kasaba Police Station registered for the offences punishable under Sections 489(B) and 489(C) of the Indian Penal Code.

3. Prosecution case is that the petitioner was found in possession of fake currency notes of total worth ₹21,000/-, consisting of denominations of 500/- and 1000/-.

4. Heard both sides.

5. Learned counsel for the petitioner submitted that there is no *mens rea* for the petitioner to possess the fake currency.

6. The learned Prosecutor opposed the bail application.

7. Considering the quantity of fake currency involved and also number of days of custody from

09.09.2015, bail is granted to the petitioner with the following strict conditions:

- (a) The petitioner shall be released on bail on his executing a bond for ₹1,00,000/- (Rupees one lakh only) with two solvent sureties for the like sum to the satisfaction of the learned magistrate having jurisdiction.
- (b) The sureties shall produce documents to establish their identity and solvency. The learned Magistrate need not insist on solvency certificate, but other documents can also be perused to find out whether the sureties are solvent or not.
- (c) The petitioner shall appear before the Investigating Officer on all Mondays and Thursdays between 10.00 a.m and 11.00 a.m. until the final report is filed.
- (d) The petitioner shall surrender his passport forthwith before the learned Magistrate. If he does not have a passport, he shall file an

affidavit to that effect.

- (e) The petitioner shall not intimidate or attempt to influence the witnesses.
- (f) The petitioner shall not in any manner interfere or meddle with the investigation.
- (g) The petitioner shall not, during the period of this bail get involved in any offence.

In case of violation of any of the above conditions, the learned Magistrate is empowered to cancel the bail in accordance with law without referring the matter to this Court.

Sd/-
A.HARIPRASAD, JUDGE.

AS

/True Copy/

P.A. to Judge