

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

MONDAY, THE 2ND DAY OF NOVEMBER 2015/11TH KARTHIKA, 1937

Bail Appl..No. 6660 of 2015 ()

CRIME NO. 2246/2014 OF KUNNAMKULAM POLICE STATION, THRISSUR DISTRICT

PETITIONER/ACCUSED NO. 4 :

**THAJUDHEEN
S/O.ABDULLA, AGED 55 YEARS
THUNNAMVEETIL HOSUE, KANJIRAMUKKU
MALAPPURAM DISTRICT.**

BY ADV. SRI.BABU S. NAIR

RESPONDENTS/STATE & COMPLAINANT :

- 1. THE STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM, KOCHI-682 031.**
- 2. THE SUB INSPECTOR OF POLICE
KUNNAMKULAM POLICE STATION
THRISSUR DISTRICT, PIN-680 503.**

R1 & R2 BY PUBLIC PROSECUTOR SMT. R. REMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 02-11-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

A. HARIPRASAD, J.

Bail Appl. No.6660 of 2015

Dated this the 2nd day of November 2015

O R D E R

Bail application filed under Sec.439 Cr.P.C.

2. Petitioner is the 4th accused in Crime No.2246 of 2014 of Kunnamkulam Police station registered for the offences punishable under Secs.489A, 489B, 489C, 489D and 489E of the Indian Penal Code. Prosecution case in short is that, on 07.10.2014, the Manager of State Bank of India, Kunnamkulam branch reported that 7 currency notes produced by the 1st accused of Rs.500/- denomination were found to be fake. Thereafter, the 1st accused was taken to custody and questioned. Complicity of accused nos.2 and 3 was revealed on questioning the 1st accused. Later, it was understood that the petitioner/4th accused is also involved in handling of these fake currencies. The petitioner was arrested on 16.10.2015.

3. Heard the learned counsel for the petitioner

and the learned Public Prosecutor.

4. Learned Public Prosecutor opposed the bail application. It is submitted that the Police could not conduct a search in the house of the petitioner due to non availability of the investigating officer. The fact remains that the petitioner had applied before this Court for a pre arrest bail which was turned down. Last one year, the petitioner has not been arrested in this case.

The fact that search was not conducted in the house can never be a reason to detain the petitioner further in custody as not even Police custody was taken by the investigating officer. Therefore, bail is granted to the petitioner with the following conditions.

i. The petitioner shall be released on bail on his 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 be the persons

permanently residing in the State of Kerala and shall produce documents to establish their identity and solvency.

iii. The lower Court need not insist on solvency certificate. Other documents revealing the solvency of the sureties can also be relied on.

iv. The petitioner shall appear before the Investigating Officer for interrogation on all Mondays and Thursdays between 10.00 a.m. and 11.00 a.m. until final report is filed.

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

vi. The petitioner shall not enter the Malappuram District except for complying with the conditions in the bail order for a period of three months.

vii. The petitioner shall not intimidate or

attempt to influence the witnesses, nor shall he tamper with the evidence.

viii. The petitioner shall not involve in any other offence during the period of bail.

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

/ True Copy /

NS/02/11/2015

P.A. To Judge