

Kerala High Court

Rameshan vs State Of Kerala on 20 November, 2009

IN THE HIGH COURT OF KERALA AT ERNAKULAM

Bail Appl..No. 6774 of 2009()

1. RAMESHAN, AGED 35 YEARS, S/O.RANADEV,
... Petitioner

Vs

1. STATE OF KERALA,
... Respondent

For Petitioner :SRI.KODOTH SREEDHARAN

For Respondent :PUBLIC PROSECUTOR

The Hon'ble MR. Justice K.T.SANKARAN

Dated :20/11/2009

O R D E R

K.T.SANKARAN, J.

B.A.No.6774 of 2009

Dated this the 20th day of November, 2009

ORDER

This is an application for bail under Section 439 of the Code of Criminal Procedure. The petitioner is accused No.3 in Crime No.634 of 2008 of Kasaragod Police Station.

2. The offence alleged against the petitioner is under Section 511 of Section 420 of the Indian Penal Code.

3. The prosecution case is that on 13.9.2008, the accused persons, seven in number, went to Malabar Gold, a jewellery at Kasaragod and purchased gold ornaments worth Rs.28 lakhs and 2 watches worth Rs.63,000/-. Towards payment, they produced a debit card. The jewellery people

insisted on identity proof of the concerned person. At that time, the accused persons went out under some pretext and later they escaped. The persons in charge of the jewellery had taken a photocopy of the debit card. The matter was reported to the police. The investigation revealed that the debit card was a forged one.

4. The petitioner was arrested on 30.10.2009 and he was remanded to judicial custody. The petitioner moved an application for bail. That application was dismissed by the Chief Judicial Magistrate, Kasaragod by the order dated 4.11.2009.

5. The crime is of the year 2008. The investigation must have reached the final stage. Even if the petitioner is detained in judicial custody, that will not improve the situation in so far as the investigation is concerned.

6. Taking into account the facts and circumstances of the case, the duration of the judicial custody undergone by the petitioner, the nature of the offence and the present stage of investigation, I am of the view that bail can be granted to the petitioner on stringent conditions.

The petitioner shall be released on bail on his executing bond for Rs.50,000/- with two solvent sureties for the like amount to the satisfaction of the Chief Judicial Magistrate Court, Kasaragod, subject to the following conditions:

- a) The petitioner shall report before the investigating officer between 9 A.M. and 11 A.M. on all Tuesdays and Fridays, till the final report is filed or until further orders;
- b) The petitioner shall appear before the investigating officer for interrogation as and when required;
- c) The petitioner shall not try to influence the prosecution witnesses or tamper with the evidence;
- d) The petitioner shall not commit any offence or indulge in any prejudicial activity while on bail;
- e) In case of breach of any of the conditions mentioned above, the bail shall be liable to be cancelled.

The Bail Application is allowed as above.

K.T.SANKARAN, JUDGE csl