

Kerala High Court

Durgesh Kumar vs State Of Kerala on 25 February, 2010

IN THE HIGH COURT OF KERALA AT ERNAKULAM

Bail Appl..No. 962 of 2010()

1. DURGESH KUMAR, AGED 21 YEARS,
... Petitioner

Vs

1. STATE OF KERALA,
... Respondent

For Petitioner :SRI.J.ABHILASH

For Respondent :PUBLIC PROSECUTOR

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

Dated :25/02/2010

O R D E R

K.T.SANKARAN, J.

B.A.No.962 of 2010

Dated this the 25th day of February, 2010

O R D E R

This is an application for bail under Section 439 of the Code of Criminal Procedure. The petitioner is the sole accused in Crime No.2713 of 2009 of Perumbavoor Police Station.

2. The offences alleged against the petitioner are under Sections 489B and 489C of the Indian Penal Code.

3. The date of occurrence was on 31.12.2009. The petitioner went to State Bank of India, Perumbavoor branch to deposit Rs.8,000/-. The Bank officials found that four currency notes of the

denomination of Rs.500/- given by the petitioner were fake currency notes. On information given to the police, the petitioner was arrested. The petitioner is in judicial custody since 31.12.2009.

4. The learned Public Prosecutor opposed the Bail application. It is submitted that the petitioner belongs to Bihar and he has no permanent known about in Kerala. The investigation is now being conducted by CBCID. If the petitioner is released on bail at this stage, he would abscond, submits the learned Public Prosecutor.

5. 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, the present stage of investigation and the fact that the petitioner is in judicial custody since 31.12.2009, I am of the view that, to ensure the presence of the petitioner before court during trial, some stringent conditions are necessary while granting bail.

The petitioner shall be released on bail on his executing bond for Rs.50,000/- with two solvent sureties, of whom one shall be a person belonging to State of Kerala and who own immovable properties in the State of Kerala, for the like amount to the satisfaction of the Judicial Magistrate of the First Class, Perumbavoor, subject to the following conditions:

- a) The petitioner shall report before the investigating officer between 9 A.M. and 11 A.M. on all Mondays and Thursdays, 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 sureties shall produce the title deeds in respect of their properties for perusal by the court to ensure the court that they hold immovable properties in the State of Kerala.

The Bail Application is allowed as above.

K.T.SANKARAN, JUDGE csl