

Subash vs State Of Kerala on 18 June, 2021

Author: Ashok Menon

Bench: Ashok Menon

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE ASHOK MENON

FRIDAY, THE 18TH DAY OF JUNE 2021 / 28TH JYAISHTA, 1943

BAIL APPL. NO. 3323 OF 2021

CRIME NO.322/2021 OF VANCHIY00R POLICE STATION, THIRUVANANTHAPURAM

PETITIONER/ACCUSED:

SUBASH, AGED 31 YEARS, SON OF SOMASUNDARAM,
KARTHIKA BHAVAN, MANGLAVUVILA VEEDU,
ARUVIYODU, WARD NO. 13, ULL00R VILLAGE,
THIRUVANANTHAPURAM, PIN - 695 011.

BY ADVS.
S.RENJITH
SRI.SANDEEP T.GEORGE

RESPONDENT:

STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM, PIN - 682031.

BY ADV. SRI.SANTHOSH PETER, SR.PUBLIC PROSECUTOR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 18.06.2021,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:
BAIL APPL. NO. 3323 OF 2021

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O R D E R

Dated this the 18th day of June 2021 This is an application for anticipatory bail filed under Section

438 of Cr.P.C.

The applicant is the 1st accused in Crime No.322/2021 of Vanchiyoor Police Station, Thiruvananthapuram, for having allegedly committed offences punishable under Sections 420, 465, 466, 468, 471, 193, 199 and 200 r/w 34 of IPC.

2. The prosecution case, in brief, is that the applicant, who is the 1st accused in another Crime No. 2466/2019 of Vanchiyoor Police Station for offences punishable under Protection of Women from Domestic Violence Act, 2005, had offered bail before the Judicial First Class Magistrate Court XI and it was found out that the tax receipts of the sureties produced by him were forged and fake. In consequence of that, the Junior Superintendent of the Court lodged a complaint and the present Crime was registered.

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3. The applicant says that he was not aware that the sureties have produced fake and forbidden basic tax receipt and therefore he has nothing to do with the alleged forgery and he seeks bail. Apart from the fact that the criminal case was filed under the Domestic Violence Act, he has no other criminal antecedents and he is willing to co-operate with the investigation and hence, he was granted interim bail. In consequence of that, he also appeared before the investigating officer and had subjected to interrogation. Since he is willing to co-operate with the investigation, custodial interrogation may not be required and hence, he seeks pre-arrest bail.

4. Heard the learned counsel for the applicant and the learned Public Prosecutor.

5. The learned Public Prosecutor submits that the applicant is notorious for having produced a forged tax receipt before the Criminal Court without any hesitation and therefore he should not be granted bail and should be put behind the bars and he has vehemently opposed the application for pre-arrest bail.

6. Considering the fact that the applicant is willing to co- BAIL APPL. NO. 3323 OF 2021 operate with the investigation and in view of the recent decision of the Hon'ble Supreme Court in In Re: Contagion of Covid 19 Virus In prisons [2021 SCC OnLine SC 376] and in Arnesh Kumar v. State of Bihar [2014(3) KHC 69: 2014(8) SCC 273], the offences alleged in this crime attracts a punishment of only seven years of imprisonment. Therefore, the incarceration of the applicant during this pandemic time may not be required. Hence, this application is allowed and the applicant is directed to surrender before the investigating officer within three weeks and in the event of his arrest, after interrogation, he shall be released on bail on the execution of a bond for Rs.50,000/- (Rupees fifty thousand only) with two solvent sureties each for the like amount and on following conditions:

(i) He shall appear before the investigating officer as and when called for,

(ii) He shall not attempt to influence the witnesses or tamper with evidence.

(iii) He shall not get involved in any other similar crimes during the currency of the bail.

BAIL APPL. NO. 3323 OF 2021 In case of violation of any bail condition, the prosecution is at liberty to apply for cancellation of the bail before the jurisdictional court.

Sd/-

akv

ASHOK MENON
JUDGE