

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 30TH DAY OF DECEMBER 2014/9TH POUSHA, 1936

BAIL APPL..NO. 9130 OF 2014 ()

CRIME NO. 2996/2014 OF MUVATTUPUZHA POLICE STATION , ERNAKULAM

PETITIONER(S)/1ST ACCUSED :

SUTHESH KUMAR, AGED 32 YEARS,
(WRONGLY STATED AS SURESH KUMAR IN MAGISTRATE COURT
PROCEEDING)
S/O. SUKUMARAN, THAYYIL HOUSE, MUDAVOORKARA
VELLOORKUNNAM VILLAGE, ERNAKULAM-686 669.

BY ADV. SRI.M.S.BREEZ

RESPONDENT(S) :

1. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-682 031.
2. STATION HOUSE OFFICER
MUVATTUPUZHA POLICE STATION
ERNAKULAM DISTRICT. (CRIME NO.2996/2014 OF
MUVATTUPUZHA POLICE STATION).

BY PUBLIC PROSECUTOR SMT. REMA R.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
30-12-2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

NS

B.KEMAL PASHA, J.

.....
B.A. No.9130 of 2014
.....

Dated this the 30th day of December, 2014

ORDER

Petition filed under Section 439 Cr.P.C.

2. Petitioner is the 1st accused in Crime No.2996 of 2014 of the Muvattupuzha Police station registered for the offence punishable under Section 420 read with Sec.34 of Indian Penal Code .

3. The allegation against the petitioner and other accused is that they have obtained various amounts from the defacto complainant and seven others by offering employment VISA to Malaysia. It is alleged that an amount of ₹6,20,000/- (Rupees six lakhs twenty thousand only) was collected from all such persons and all of them were deliberately cheated and defrauded and they were not provided any such VISA as offered. The petitioner has been in custody for the period from 15.12.2014 onwards.

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

5. Learned counsel for the petitioner submits that the petitioner is ready and willing to furnish security for the entire amount before the Court below for compensating the loss

sustained to the defacto complainant and other persons. According to the learned counsel for the petitioner, the amounts were in fact collected by the 2nd accused who has defrauded the petitioner and even then, the petitioner is ready to compensate the defacto complainant and other persons for which, the petitioner is willing to arrange the property of the younger brother of his father as security. No criminal antecedents have been reported against the petitioner. It is true that the 2nd accused is yet to be arrested. There is allegation that the petitioner has obtained advance amounts from the parties and the balance amounts were deposited in the bank accounts of the 2nd accused. The 2nd accused is at large.

6. Having regard to the period undergone by the petitioner in custody and the facts and circumstances narrated by the learned counsel for the petitioner, I am of the view that the petitioner can be enlarged on bail on conditions.

7. In the result, this Bail Application is allowed and the petitioner shall be enlarged on bail on his executing a bond for ₹1,00,000/- (Rupees one lakh only) with two solvent sureties for the like sum each to the satisfaction of the Court below, and subject to the following terms and conditions:-

- (i) The petitioner shall furnish security before

the Court below for ₹6,50,000/- (Rupees six lakhs fifty thousand only) for which, the petitioner shall produce the title deed in respect of the property of his father's younger brother, and the petitioner along with the younger brother of his father will execute an indemnity bond in favour of the Court below for ₹6,50,000/- (Rupees six lakhs fifty thousand only) and will furnish the original title deed in respect of the said property before the Court below.

(ii) The petitioner shall report before the Investigating Officer in between 9 a.m. and 11 a.m. on all Fridays and Tuesdays commencing from 02.01.2015 for a period of three months or till the filing of the final report in this case, whichever is earlier.

(iii) The petitioner shall not tamper with the evidence or influence witnesses.

(iv) The petitioner shall make himself available for interrogation as and when required by the Investigating Officer.

(v) The petitioner shall not involve in any offence while on bail.

It is made clear that the violation of any of the conditions stipulated above will result in the cancellation of bail.

Sd/-

B. KEMAL PASHA, JUDGE

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PA to Judge