

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 20TH DAY OF JANUARY 2015/30TH POUSHA, 1936

Bail Appl..No. 146 of 2015 ()

CRIME NO. 1650/2014 OF KALAMASSERY POLICE STATION, ERNAKULAM DISTRICT

PETITIONERS/ACCUSED NOS.2 & 3 :

- 1. NARESH, AGED 47 YEARS
S/O.DIVAKARAN P.K., GOKULAM HOUSE
CHERUKUNNAM, ANAYADI P.O.,
PATHANAMTHITTA DISTRICT
PIN - 691 523.**
- 2. SUJATHA ,AGED 42 YEARS
W/O.NARESH, GOKULAM HOUSE, CHERUKUNNAM
ANAYADI P.O., PATHANAMTHITTA DISTRICT, PIN -691 523.**

BY ADV. SRI.P.A.MUJEEB

RESPONDENT/COMPLAINANT :

**THE STATE OF KERALA
THROUGH THE S.I OF POLICE, KALAMASSERY POLICE STATION
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM
COCHIN - 31.**

BY PUBLIC PROSECUTOR SRI. BINDU GOPINATH

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 20-01-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

B.KEMAL PASHA, J.

.....
B.A. No.146 of 2015
.....

Dated this the 20th day of January, 2015

ORDER

Petition filed under Section 439 Cr.P.C.

2. Petitioners are A2 and A3 respectively in Crime No.1650/2014 of the Kalamassery Police Station, Ernakulam registered for the offences punishable under Sections 406, 420 and 120(B) read with Section 34 of the Indian Penal Code.

3. The allegation against the petitioners is that by offering an employment to the defacto complainant in an oil company named Abridden in UK, they accepted copies of the passport and certificates of the defacto complainant and also an amount of ₹1,20,000/- from him, thereby he was defrauded and cheated, and they have not cared to provide

the employment as offered. The petitioners have been in custody for the period from 26.10.2014 onwards.

4. Heard learned counsel for the petitioners and the learned Public Prosecutor. Perused the CD.

5. The contents of the CD, *prima facie*, reveal the complicity of the petitioners. Even though the petitioners have been in custody for the period from 26.10.2014 onwards, final report has not been filed so far in the matter. Matters being so, the petitioners are entitled to compulsive bail under Section 167(2) Cr.P.C.

6. In the result, this Bail Application is allowed and the petitioners shall be enlarged on bail on their executing a bond for ₹1,00,000/- (Rupees one lakh only) each with two solvent sureties each for the like sum each to the satisfaction of the concerned Judicial First Class Magistrate's Court, and subject to the following terms and conditions:-

(i) The petitioners shall report before

the Investigating Officer in between 9 a.m. and 11 a.m. on all Tuesdays and Fridays commencing from 27.01.2015 for a period of six months.

(ii) The petitioners shall not tamper with the evidence or influence witnesses.

(iii) The petitioners shall make themselves available for interrogation as and when required by the Investigating Officer.

(iv) The petitioners 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

ul/-

[True copy]

P.S. to Judge