

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR

FRIDAY, THE 26TH DAY OF JUNE 2015/5TH ASHADHA, 1937

Bail Appl..No. 656 of 2015 ()

CRIME NO. 626/2014 OF PEERUMEDU POLICE STATION , IDUKKI DISTRICT

PETITIONER/1ST ACCUSED:

**SUKU, AGED 48 YEARS,S/O.VASU,
LADRAM PUTHULAYAM HOUSE, LAKSHMI KOVIL P.O.,
PEERUMEDU, IDUKKI.**

**BY ADVS.SRI.T.A.UNNIKRISHNAN
SRI.K.S.PRAVEEN**

RESPONDENT/COMPLAINANT:

**STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,ERNAKULAM,
REPRESENTING SUB INSPECTOR OF POLICE,
PEERUMEDU.**

BY PUBLIC PROSECUTOR SRI.N.SURESH

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 26-06-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

sts

B.SUDHEENDRA KUMAR, J.

Bail Application No.656 of 2015 B

Dated this the 26th day of June 2015

O R D E R

The petitioner is the 1st accused in Crime No.626 of 2014 of Peerumedu Police Station registered under Sections 419 and 420 read with 34 of the Indian Penal Code.

2. The prosecution allegation is that the petitioner received an amount of Rs.80,000/- from the de facto complainant on the promise that the petitioner would arrange an employment to the de facto complainant in a restaurant at Malaysia. The job as promised was arranged by the petitioner. However, the salary paid to the de facto complainant was not the salary offered by the petitioner. Consequently, the de facto complainant left the job and returned to India.

3. The petitioner has filed this application under Section 438 of the Code of Criminal Procedure.

4. Heard.

5. The learned Public Prosecutor has no serious objection in allowing this application. It appears that the de facto complainant does not have a contention that the petitioner did not provide job visa to the de facto complainant. The only grievance is that even though the petitioner obtained the job, the salary provided was not the salary promised by the petitioner. The petitioner is also not involved in any other offence of similar nature. Considering the facts and circumstances of the case, including the fact that the petitioner is a first time offender, I am of the view that this is not a case where the custodial interrogation of the petitioner is necessary for the progress of investigation of the case. In the said circumstances, an order under Section 438 Cr.P.C. in favour of the petitioner will be justified in this case.

In the result, this application stands allowed and it is directed that the petitioner shall be released on bail in the event of his arrest in connection with Crime No.626 of 2014 of Peerumedu Police Station on condition of the petitioner executing a bond for Rs.30,000/- (Rupees Thirty thousand only)

with two solvent sureties, each for the like sum to the satisfaction of the Sub Inspector of Police, Peerumedu Police Station, before whom the petitioner shall surrender within ten days from today and subject to the following conditions:-

- i. The petitioner shall report before the Investigating Officer on every Monday between 9 a.m. and 11 a.m. for three months and thereafter, as and when required by the Investigating Officer for interrogation.
- ii. The petitioner shall not intimidate or influence the witnesses or in any way tamper with the investigation.
- iii. The petitioner shall not get involved in any offence while on bail.

Sd/-
B.SUDHEENDRA KUMAR,
JUDGE

AMV/25/06/

/TRUE COPY/

P.A.TO JUDGE