

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 11TH DAY OF MARCH 2015/20TH PHALGUNA, 1936

Bail Appl..No. 1159 of 2015 ()

CRIME NO. 100/2015 OF VATAKARA POLICE STATION, KOZHIKODE DISTRICT

PETITIONER/ACCUSED NO.1 :

**ARUN KRISHNAN, AGED 34,
S/O.ANANDAKRISHNAN, ARUN NIVAS,
MAVELIKARA P.O., ALAPUZHA.**

BY ADV. SRI.P.R.HARIKUMAR

RESPONDENT/COMPLAINANT :

**STATE OF KERALA,
REPRESENTED THROUGH THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT. LALIZA T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 11-03-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

B. KEMAL PASHA, J.

.....
B.A. No.1159 of 2015
.....

Dated this the 11th day of March, 2015

ORDER

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Petition filed under Section 439 Cr.P.C.

2. Petitioner is the 1<sup>st</sup> accused in Crime No.100/2015 of Vatakara Police Station registered for the offences punishable under Sections 420 and 406 read with Section 34 IPC.

3. It is alleged that the petitioner along with A2 had made advertisements to the effect that they would arrange admissions to the aspirants to Post Graduate courses in Medicine. Attracted by the offer, the de facto complainant fell in the trap and paid an amount of ₹42,75,000/- to the petitioner and A2. They have obtained the amount and have not cared to arrange any admission and they have appropriated the amount. When the amount was demanded back, it seems that an amount of ₹10 lakhs alone was

returned. The petitioner has been in custody for the period from 22.02.2015 onwards.

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

5. The contents of the CD *prima facie* reveal the complicity of the petitioner. It seems that the de facto complainant has been deliberately cheated and defrauded. The whole amount is not repaid and instead of it, a part repayment of ₹10 lakhs alone was made. The investigation has a long way to go, as the balance amount has to be recovered. Considering the seriousness of the allegations against the petitioner, I am satisfied that the petitioner is not entitled to be enlarged on bail.

In the result, this Bail Application is dismissed.

Sd/-  
**(B.KEMAL PASHA, JUDGE)**

aks/12/03

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*PA to Judge*