

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE B.KEMAL PASHA**

**MONDAY, THE 23RD DAY OF MARCH 2015/2ND CHAITHRA, 1937**

**Bail Appl..No. 1521 of 2015**  
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**CRIME NO. 3/2015 OF CBCID, ERNAKULAM , ERNAKULAM**  
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**PETITIONER(S)/ACCUSED NO.4:**  
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**MUHAMMED RASHEED, AGED 45 YEARS  
S/O.ABDUL REHMAN, VELLILAVUNKAL HOUSE  
MEKALADI KARAYIL, KALADY PO, ANGAMALY  
ERNAKULAM.**

**BY ADVS.SRI.B.RAMAN PILLAI (SR.)  
SRI.R.ANIL  
SRI.M.SUNILKUMAR  
SRI.SUJESH MENON V.B.  
SRI.T.ANIL KUMAR  
SRI.MANU TOM  
SRI.THOMAS ABRAHAM (NILACKAPPILLIL)  
SRI.M.VIVEK**

**RESPONDENT(S)/COMPLAINANT:**  
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**CBI, REPRESENTED BY  
THE STANDING COUNSEL, HIGH COURT OF KERALA  
ERNAKULAM, PIN-682031.**

**BY SRI.P.CHANDRASEKHARA PILLAI, C.B.I.**

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 23-03-2015,  
ALONG WITH BA.NO.1548/2015 THE COURT ON THE SAME DAY PASSED THE  
FOLLOWING:**

**PJ**

**B.KEMAL PASHA, J.**

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B.A. Nos.1521 & 1548 of 2015  
.....

Dated this the 23<sup>rd</sup> day of March, 2015

**ORDER**

Petitions filed under Section 439 Cr.P.C.

2. Petitioner in B.A.No.1521/2015 is the 4<sup>th</sup> accused and petitioner in B.A.No.1548/2015 is the 3<sup>rd</sup> accused respectively in R.C.3(A)/2015/CBI/ACB/Cochin, registered for the offence punishable under Section 120B read with 420 of the Indian Penal Code and Sections 7 and 13(2) read with Section 13(1)(d) and Section 12 of the Prevention of Corruption Act.

3. This is a case wherein huge quantity of gold, by way of gold bars, were brought from abroad, at the instance of the 4<sup>th</sup> accused, by the active participation of A3 and Assistant Central Intelligence Officers of the Cochin

International Airport. The petitioners were caught red handed when they were engaged in smuggling 4 kgs. of gold. It is alleged that they used to bribe the aforesaid officers attached to the immigration section of the Cochin International Airport and they were being paid at the rate of Rs.50,000/- per kg. of each consignment, on each occasion. It seems that the petitioners were repeatedly doing the said acts. The 4<sup>th</sup> accused has been in custody for the period from 02.02.2015 onwards in this case and his arrest was recorded while he was undergoing detention in another case from 30.01.2015 onwards. The 3<sup>rd</sup> accused has been undergoing detention from 14.01.2015.

4. Heard the learned Senior Counsel and the other counsel for the petitioners, and the learned Standing Counsel for the CBI. Perused the CD.

5. The learned Senior Counsel and the other counsel for the petitioners have pointed out that the Assistant Intelligence Officers, who were involved in this

case, are also on the same footing as that of these petitioners and those persons have already been enlarged on bail and therefore, there is absolutely nothing to discriminate the petitioners in the question of granting bail. The learned Standing Counsel for the CBI has pointed out that the 4<sup>th</sup> accused is the kingpin and all the arrangements for smuggling the gold were conspired at the instance of the 4<sup>th</sup> accused and it was he who was making all the payments to the Assistant Intelligence Officers. At the same time, it is a fact that the other accused have already been enlarged on bail. Having regard to the period undergone by the petitioners in custody and the present stage of investigation, I do not think that continued detention of the petitioners in custody is required for the continued investigation of this case. At the same time, stringent conditions have to be imposed in order to prevent them from committing similar offences in future.

6. In the result, these Bail Applications are 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 Mondays and Thursdays commencing from 30.03.2015 for a period of six months.

(ii) The petitioners shall surrender their passports before the court below. In case they have no passports with them, an affidavit to that effect shall be filed.

(iii) The petitioners shall not leave the State of Kerala, without prior permission from the court below, till the disposal of the case.

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

(v) The petitioners shall make themselves available for interrogation as and

when required by the Investigating Officer.

(vi) 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