

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 1ST DAY OF APRIL 2015/11TH CHAITHRA, 1937

Bail Appl..No. 1783 of 2015 ()

CRIME NO. 34/2014 OF CYBER POLICE STATION, THIRUVANANTHAPURAM DISTRICT

PETITIONER/ACCUSED NO.2:

MOUSAM KUMAR ROY @ ROHIT SARMA, AGED 28 YEARS,
S/O.KRISHNA NANDAN ROY, MAKANDPUR, BIHAR.

BY ADVS.SRI.S.RAJEEV
SRI.K.K.DHEERENDRAKRISHNAN
SRI.V.VINAY

RESPONDENT(S)/STATE:

1. STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM - 682 031.(CRIME NO.34/2014 OF CYBER POLICE STATION,
THIRUVANANTHAPURAM DISTRICT).
2. SUB INSPECTOR OF POLICE, CYBER POLICE STATION,
THIRUVANANTHAPURAM - 695 001
(CRIME NO.34/2014 OF CYBER POLICE STATION,
THIRUVANANTHAPURAM DISTRICT).

BY PUBLIC PROSECUTOR SMT. LALIZA.T.Y.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 01-04-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

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B. KEMAL PASHA, J.

.....
B.A. No.1783 of 2015
.....

Dated this the 1st day of April, 2015

ORDER

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Petition filed under Section 439 Cr.P.C.

2. Petitioner is the 2nd accused in Crime No.34/2014 of Cyber Police Station, Thiruvananthapuram registered for the offences punishable under Sections 419 and 420 IPC and Section 66A(a)(c) of the Information Technology Act.

3. Through internet cheating by way of fraudulent e-mails, a gang of Nigerians, with the aid of the petitioner, allegedly defrauded and cheated the de facto complainant and she had parted with an amount of ₹2,77,325/- from her account. The entire amount was lost and she fell in fire. The investigation has revealed the hands of the present petitioner, who is a Post Graduate in Business Management. It seems that he was instrumental in fishing possible preys by impersonating

himself as a Customs Officer. The petitioner has been in custody for the period from 03.02.2015 onwards.

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

5. Even though the petitioner has been in custody for the period from 03.02.2015 onwards, the investigation is not over and final report has not yet been filed. It seems that certain Nigerian citizens, who are involved in the incident, were also arrested. At the same time, the continued detention of the petitioner in custody is not required for the continued investigation of this case. Considering all the above, the petitioner is entitled to compulsive bail under Section 167(2) Cr.P.C.

6. In the result, this Bail Application is allowed and the petitioner shall be enlarged on bail on his executing a bond for ₹25,000/- (Rupees twenty five thousand only) with two solvent sureties 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 petitioner shall report before the Investigating Officer in between 9 a.m. and 11 a.m.

on all Wednesdays and Saturdays commencing from 08.04.2015 for a period of six months.

(ii) The petitioner shall surrender his passport before the court below. If he has no passport, affidavit to that effect shall be filed before the court below.

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

(iv) The petitioner shall furnish his address and contact number in which he will be available at all times until further orders, to the investigating officer.

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

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

(vii) 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)

aks/01/04

//True copy//

P A to Judge.