

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

TUESDAY, THE 23RD DAY OF JUNE 2015/2ND ASHADHA, 1937

Bail Appl..No. 1977 of 2015 ()

CRIME NO. 158/2015 OF KOZHINJAMPARA POLICE STATION, PALAKKAD DISTRICT

PETITIONERS/ACCUSED :

1. THOMAS,
S/O.AROGYASWAMY, AGED 25 YEARS
ULLIYAR HOUSE, NEELIPARA
KOZHIPARA, KOZHINJAMPARA,
PALAKKAD DISTRICT.
2. SUDHEESH
S/O.VELAN, AGED 31 YEARS
PARUVASSERY, PALAKKAD DISTRICT.
3. RATHEESH
S/O.KESAVAN, AGED 30 YEARS
POORATHARA HOUSE, KIZHUPUDUKKODE
PALAKKAD DISTRICT.
4. RAHUL
S/O.RAMESAN, AGED 24 YEARS
PERINCHERI HOUSE, PULLANI
AYYANTHOLE, THRISSUR DISTRICT.
5. SURESH
S/O.ARUMUGHAN, AGED 27 YEARS
THEKKINIKK, VEMMALLUR
PALAKKAD DISTRICT.

BY ADV. SRI.RAJESH SIVARAMANKUTTY

RESPONDENT/COMPLAINANT :

**STATE OF KERALA
REP. BY S.I OF POLICE
KOZHINJAMPARA POLICE STATION, PALAKKAD DISTRICT
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT. REMA R.

**THIS BAIL APPLICATION HAVING BEEN FINALLY HEARD ON 23-06-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

K. ABRAHAM MATHEW, J.

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B.A.No. 1977 of 2015

Dated this the 23rd day of June, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioners have allegedly committed the offences under Sections 323, 324, 341, 342, 365 and 506 of Indian Penal Code. The petitioners were taken to Malaysia by the first informant with a promise that they would be given some employment, for which he allegedly received huge amount from them. But, they did not get the promised employment. So, they came back. The prosecution case is that on account of this enmity, they kidnapped the first informant, wrongfully confined him, assaulted and threatened him and intimidated him into executing a cheque, on the basis of which they withdrew from his account Rs.4,50,000/-.

3. Heard.

4. If the allegations in the complaint are true, the petitioners kidnapped one 'Sekhar' also along with the first informant. But, on the way they let off Sekhar and took away only the first informant before he was wrongfully confined at a

place. The petitioners allegedly threatened the first informant into executing the cheque only two days later. This is a very suspicious circumstance. 'Sekhar' could have certainly informed the police about the kidnapping of the first informant; but, nothing took place. It is an admitted fact that the cheque was filled up by one priest. The first informant went to the bank. So, he had sufficient opportunities to reveal that he was kidnapped and was being wrongfully confined by the petitioners. It appears that there are some very suspicious circumstances in the allegations against the petitioners. For these reasons, I am inclined to grant the prayer.

In the result, this application is allowed.

- 1)The petitioners shall be released on bail on their executing a bond for Rs.25,000/- (Rupees twenty five thousand only) each with two solvent sureties each for the like sum if they are arrested by the Police in connection with this case.
- 2)The petitioners shall surrender their passports before the lower concerned or if they do not have one, they shall file affidavits to that effect within five days of

their release.

- 3)They shall not leave India without the previous permission of the court of enquiry or trial court as the case may be.
- 4)They shall not intimidate or attempt to influence the witnesses.
- 5)They shall not destroy or tamper with evidence.
- 6)They shall not get themselves involved in any other criminal case while they are on bail.
- 7)They shall appear before the Investigating Officer for interrogation if they are so required by him in writing.

In case of violation of any of the above conditions, the learned Magistrate is empowered to cancel the bail in accordance with the law.

Sd/-
K. ABRAHAM MATHEW,
JUDGE

DST

//True copy//

P.A. To Judge