

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

WEDNESDAY, THE 17TH DAY OF JUNE 2015/27TH JYAISHTA, 1937

Bail Appl.No. 2818 of 2015

CRIME NO. 398/2015 OF PALARIVATTOM POLICE STATION, ERNAKULAM
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PETITIONER(S)/ACCUSED NOS.1 & 2:

- 1. MARIAMMA ABRAHAM, AGED 70 YEARS,
MANATT HOUSE, PUNALUR, KOLLAM.**
- 2. JOY P. GEORGE, AGED 52 YEARS,
PARACKAL HOUSE, PATHANAMTHITTA.**

BY ADV. SRI.N.A.SHAFEEK

RESPONDENT(S)/COMPLAINANT:

**STATE OF KERALA,
REPRESENTED BY THE S.H.O.,
PALARIVATTOM POLICE STATION,
THROUGH THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.**

BY PUBLIC PROSECUTOR SRI.V.S.SREEJITH

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
17-06-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

K. ABRAHAM MATHEW, J.

Bail Appl. No.2818 of 2015

Dated this the 17th day of June 2015

O R D E R

Petition filed under Sec.438 Cr.P.C.

2. Petitioners are accused nos.1 and 2 in Crime No.398 of 2015 of Palarivattom Police station registered for the offences under Secs.420 read with Sec.34 of Indian Penal Code Secs.10, 16(a), 24(b) and 24(f) of Emigration Act 1983 and Rule12(xii) of Emigration Rules 1983. The allegation is that without any registration the petitioners, who are partners of a firm, were conducting business in recruitment of persons for overseas employments.

3. Heard both sides.

4. Learned counsel submits that the petitioners have a registration under the Emigration Act.

5. That is true. But that registration authorizes them only to conduct business at Pathanamthitta. The allegation is that under the cover of that registration they were doing business at Ernakulam also.

6. According to the learned counsel, at Ernakulam the petitioners only conducted interviews.

7. This is not acceptable. The fact that the investigating officer has seized 24 passports and about 241 certificates from their office at Ernakulam indicates that they were doing business at Ernakulam. Ext A2/3 is a receipt for Rs.1,50,000/- (Rupees one lakh fifty thousand only). This is said to be the amount collected from one Shalu Anoop who is said to have been selected for appointment at GMC private hospital, Kuwait. This is not a receipt issued by the Regency Manpower Consultant and Tour Operators, which is the firm of the petitioners. The receipt was issued by Regency Travel and Tours. Moreover, under the Act, the petitioners were entitled to collect only 45 days remuneration of the selected person or Rs.20,000/- (Rupees twenty thousand only), whichever is higher. Foul play is evident.

8. Learned counsel submits that the 1st petitioner is a lady aged 70 years. This fact alone inclines me to grant her anticipatory bail. It is also submitted by

the learned counsel that the 2nd petitioner suffers from liver Cirrhosis. But he could do business and make money by illegal means. So his illness cannot be considered in an application under Sec.438 Cr.P.C.

In the result, the bail application is allowed in part.

1) The first petitioner shall be released on bail after interrogation on her executing a bond for Rs.50,000/- (Rupees Fifty thousand only) with two solvent sureties each for the like sum if she is arrested by the Police in connection with this case.

2) She shall appear shall appear before the investigating officer between 10.30 a.m. and 11.30 a.m. on every Friday for four months, or till the final report is filed, whichever is earlier.

3) She shall surrender her passport before the lower court concerned or if she does not have the same, file an affidavit to that

effect.

4) She shall not leave India without the previous permission of the court of enquiry or the trial court concerned as the case may be.

5) She shall not destroy or tamper with evidence.

6) She shall not get herself involved in any other criminal case.

7) She shall not intimidate or influence the witnesses.

If the first petitioner violate any of the above conditions, the court of enquiry/trial is empowered to cancel the bail in accordance with the law. The bail application is dismissed so far as the 2nd petitioner is concerned.

Sd/-
K. ABRAHAM MATHEW
JUDGE
/ True Copy /

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P.A. To Judge