

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V

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

Bail Appl..No. 2988 of 2015

CRIME NO. 78/2015 OF PEERUMEDU POLICE STATION, IDUKKI DISTRICT

PETITIONER(S)/ACCUSED NO 1 TO 3 :

- 1. M.SREE KUMARAN NAIR, AGED 50 YEARS,
S/O.R.NARAYAN PILLAI, CHOOZHAKKATTU HOUSE, AMAYIDA,
AMBALAPUZHA P O, ALLEPPY DIST, PIN- 688 565.**
- 2. JAYESH J.KUMAR, AGED 52 YEARS,
S/O.JANARDANA PILLAI, RS PLAZA, AMBIKAPURAM ROAD,
PANAMPILLY NAGAR, ERNAKULAM- 682 036.**
- 3. JISHA.J.PILLAI, AGED 51 YEARS,
VNRA 115, 2E AMAR SANGAMAM, VIDHYA NAGAR,
KADAVANTHRA, ERNAKULAM.**

BY ADV. KUM.APARNA SOMARAJAN

RESPONDENT(S)/COMPLAINANTS :

- 1. S.I.OF POLICE,
POLICE STATION, PEERUMEDU, IDUKKI.**
- 2. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA.**

BY PUBLIC PROSECUTOR SMT.MADHUBEN

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

Msd.

RAJA VIJAYARAGHAVAN V, J.

B.A.No.2988 of 2015

Dated this the 17th day of June, 2015

O R D E R

Petitioners are the accused Nos.1 to 3 in Crime No.78/2015 of Peerumedu Police Station. A crime has been registered against them under Sections 406, 120B read with Section 34 of Indian Penal Code.

2. The gist of the allegation is that, the first petitioner being the Principal of the Aditya Institute of Management Studies, Peerumedu, Idukki and the second and third petitioners being the Directors of the said institution over charged the students of the said college and instead of a sum of Rs.11,250/- fixed as fee for the undergraduate course for a semester, they have realised a sum of Rs.25,000/- from each of 27 students and thus, committed the offence.

3. I have heard the counsel for the petitioners and the learned Public Prosecutor.

4. The learned counsel for the petitioner submitted, based on Annexure I Provisional Affiliation guide lines, that the

institution is having affiliation from the Mahatma Gandhi University and they have been realising fee from the students on the strength of Annexure 1. It is also submitted that there was a settlement talk between the students and the management and all the claims of the students have been settled on condition that the fee realised in excess could be appropriated towards the next semester's fee. It is also submitted that the second accused who is the Director in charge and conduct of the business has already been granted bail by the learned jurisdictional magistrate. It is further submitted that the first petitioner is the Principal of the said college and the third petitioner is only a nominal Director and they are not in charge and responsible for the day to day conduct of the said institution. In view of the fact that the first petitioner is the Principal and the third petitioner is the Director of the institution and as the second accused has already been granted bail, I am of the view that pre arrest bail can be granted to the petitioners 1 and 3 subject to the following conditions:

- i) The petitioners shall be released on bail after interrogation on their executing a bond for 25,000/- each with two solvent sureties each for the like sum if they are arrested by the Police in

connection with this case.

ii) The petitioners shall cooperate with the investigation and shall appear for interrogation if they are so required by the Investigating Officer in writing.

iii) They shall in no event tamper or attempt to tamper with the evidence nor shall they hamper the investigation.

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

In the result, this application is allowed.

Sd/-

RAJA VIJAYARAGHAVAN V, JUDGE.

Bb

[True copy]

P.A to Judge