

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

FRIDAY, THE 12TH DAY OF JUNE 2015/22ND JYAISHTA, 1937

Bail Appl..No. 3086 of 2015 ()

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CRIME NO. 161/2015 OF ERNAKULAM TOWN SOUTH POLICE STATION.**

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PETITIONER/ACCUSED NO.1:

**JAYESH J.KUMAR, AGED 37 YEARS,
S/O.JANARDANA PILLAI, MALIYEKKAL HOUSE,
KARIKKULAM MURI, RANNI, PATHANAMTHITTA DISTRICT.**

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

RESPONDENT & STATE:

**STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031,
(CRIME NO.161/2015 OF E.T. SOUTH POLICE STATION,
ERNAKULAM DISTRICT).**

BY SRI.K.I. ABDUL RASHEED, ADDL. D.G.P.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 12-06-2015, ALONG WITH BA NO.3087 OF 2015 AND CONNECTED
CASES, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

rs.

K. ABRAHAM MATHEW, J.

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**B.A.Nos.3086,3087,3088,
3089,3090,3091,3092, 3093,3094
3095,3096,3097,3098,3099,3100,
3143,3144,3145,3146, 3147, 3148,
3149, 3150, 3151, 3152,3153,3154,
3155,3156,3162 of 2015**

Dated this the 12th day of June, 2015

ORDER

Petition filed u/s.439 Cr.P.C.

2. Petitioners are accused 1 and 5 in the above cases. The first accused give an advertisement that admission to Engineering courses was available in 'Aditya groups of Institutions' and he was one of its Directors. He represented that 'Aditya Engineering College' was a famous college in Hyderabad and it and its sister institutions together are called 'Aditya Group of Institutions'. He further represented that the victims would get admission to B. Tech course in 'Aditya College of Engineering', Hyderabad in management quota. The victims gave him original certificates. They were given receipts of 'Adusumilli Vijaya Institute of Technology & Research Center'. They were told that it was a sister institution of 'Aditya Engineering College', and later they would be transferred to Aditya Engineering College'. The

petitioners and co-accused collected Rs.1,10,100/- plus Rs.18,500/-from each of the victims. The victims were later taken to Hyderabad; from there they were taken to a remote place, where a very old building was seen. They were told that it was a hostel. That was false. They later realised that that was the college to which they were admitted. It had no affiliation. The petitioners refused to return the certificates of the victims. They have thus committed the offences under Sections 406, 419 and 420 IPC.

3. Heard.

4. Learned counsel submit that though the victims were given admission in 2014, complaints were lodged only in 2015; there is a delay of one year and during this one year the victims were studying in the colleges in Andhra Pradesh and they had no complaints, it was bifurcation of Andhra Pradesh into two States that led to the filing of the complaints, the bifurcation created some practical difficulties.

5. There is a delay of one year in filing the complaints. For this one year, the victim had no complaints that they were cheated. That does not mean that there was no cheating. But, that is relevant for considering the bail applications. The first

accused has been in custody since 11.05.2015 and the fifth accused since 22.05.2015. All the documents have been seized. It appears that their further detention is not necessary for the completion of the investigation.

In the result, these applications are allowed. The petitioners will be released on bail on their executing a bond for Rs.1,00,000/-(Rupees one lakh only) each with two solvent sureties each for the like sum to the satisfaction of the trial court concerned.

2) The first accused shall deposit in the trial court Rs.10,00,000/-(Rupees ten lakhs only) before he is released on bail and will furnish security for Rs.12,00,000/-(Rupees twelve lakhs only) within one month after his release.

3) The petitioners shall appear before the Investigating Officer between 3 p.m. and 4 p.m. every Wednesday for three months and thereafter every 1st and 3rd Saturdays for four months, or till the final report is filed, whichever is earlier.

4) They 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.

5) They shall not leave India without the previous permission of the court of enquiry or trial court as the case may be.

6) They shall not threaten or attempt to influence the witnesses, nor shall they, while on bail, get themselves involved in any criminal case; nor shall they destroy or attempt to destroy the evidence or interfere with the investigation.

If the petitioners violate any of the above conditions, the court of enquiry/trial is empowered to cancel the bail in accordance with the law.

Sd/-
K. ABRAHAM MATHEW,
JUDGE

DST

//True copy//

P.A. To Judge