

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.HARILAL

WEDNESDAY, THE 1ST DAY OF JULY 2015/10TH ASHADHA, 1937

Bail Appl..No. 3714 of 2015

CBCID CRIME NO.101/CR/EOW 1/KOLLAM/13

PETITIONER(S)/4TH ACCUSED :

**KARTHIK, AGED 34 YEARS,
S/O.DHANAPAL, DOOR NO.3B, GKS NAGAR,
SARAVANAPATTY, COIMBATORE-35. (TN).**

**BY ADVS.SRI.PIRAPPANCODE V.S.SUDHIR
SRI.JELSON J.EDAMPADAM**

RESPONDENT(S)/COMPLAINANT :

**STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
OFFICE OF THE ADVOCATE GENERAL, HIGH COURT BUILDING,
ERNAKULAM. (THE DEPUTY SUPERINTENDENT OF POLICE,
EOW SUB UNIT, ASHRAMAM, KOLLAM).**

BY PUBLIC PROSECUTOR SRI.C.RASHEED

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 01-07-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

Msd.

K. HARILAL, J.

B.A. No.3714 of 2015

Dated this the 1st day of July, 2015

ORDER

This is an application for regular bail filed under Sec.439 of the Code of Criminal Procedure.

2. The petitioner is the 4th accused in CBCID Crime No.101/Cr/EOW 1/Kollam/13, pending before the Additional Chief Judicial Magistrate's Court, Thiruvananthapuram.

3. The prosecution case is that the petitioner, along with three others, committed the offences punishable under Secs.120B, 420 read with Sec.34 of the Indian Penal Code and Secs.66(A)(B)(C) of the IT Act. Initially, the aforesaid crime was registered on the basis of a complaint given by one Rajeev Kumar.

The First Information Report was originally registered by the Poojappura police for the offences punishable under Secs.420 read with 34 of the IPC as Crime No.1086/12. Subsequently, on investigation, it was found that the petitioner was also involved in the offence. The allegation against the petitioner is that he was having illegal money transactions with accused Nos.1 and 2 at foreign countries like Bangladesh, Pakistan etc. The investigation of the crime was transferred to CBCID and thereafter the present crime has been registered as stated above. He was arrested on 21/4/2015. He was produced before the Additional Chief Judicial Magistrate's Court, Thiruvananthapuram, on 22/4/2015 and remanded to judicial custody.

4. The learned counsel for the petitioner submits that the petitioner is innocent of the allegations levelled against him. He was implicated in the offences three years after the registration of the

crime. Now the investigation is practically over and the continued detention is not necessary for further investigation.

5. The learned Public Prosecutor, on instructions, submits that the offence alleged against the petitioner is illegal money transaction with foreign countries and the investigation is not over and his presence is required for further investigation also. If he is released on bail, he may flee away from the clutches of law. In case of release on bail, stringent conditions are inevitable.

6. The petitioner was arrested on 21/4/2015. Having regard to the prosecution case, the present stage of investigation and the duration of the period in which he had already undergone pre-trial incarceration, I am of the opinion that the continued detention is not necessary. That apart, the police filed an application for custody, the same was granted and he was in police custody for interrogation for 10

days. So, bail can be granted to the petitioner on stringent conditions. Hence this application will stand allowed on the following conditions:

(i) The petitioner shall be released on bail on his executing a bond for ₹1,00,000/- (Rupees One lakh only) with two solvent sureties each, who are permanent residents of Kerala, for the like sum to the satisfaction of the learned Additional Chief Judicial Magistrate, Thiruvananthapuram.

(ii) The petitioner shall report before the Investigating Officer on every Wednesday between 9 a.m. and 10 a.m. for a period of two months.

(iii) The petitioner shall surrender his Passport before the Magistrate's Court. If he is not holding a Passport, he shall file an affidavit to that effect.

(iii) The petitioner shall not tamper or attempt to tamper with the evidence or influence or try to influence the witnesses.

If any of the conditions is violated, the bail granted to the petitioner shall stand cancelled and the learned Magistrate concerned on being satisfied of the said fact, may take steps as are available to him in law.

Sd/-

(K. HARILAL, JUDGE)

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P.S. to Judge