

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.HARILAL

THURSDAY, THE 2ND DAY OF JULY 2015/11TH ASHADHA, 1937

Bail Appl..No. 3715 of 2015 ()

CRIME NO. 491/2015 OF THOPPUMPADY POLICE STATION, ERNAKULAM DISTRICT.

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PETITIONER/ACCUSED NO.6:

**BOCARDIT BINKE BALLO,
S/O. ISSA BOSCAR BALLO, AGED 24 YEARS,
PERMANENT RESIDENT OF KALABAN CR KATIMALI,
MALI, NOW RESIDING AT DOOR NO.605,
2ND E CROSS, 6TH MAIN, 2ND BLOCK,
KALYAN NAGAR, BANGALORE, KARNATAKA.**

**BY ADVS.SRI.BABU S. NAIR,
SRI.K.RAKESH.**

RESPONDENTS/STATE & COMPLAINANT:

- 1. THE STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, KOCHI-682 031.**
- 2. THE SUB INSPECTOR OF POLICE,
THOPPUMPADY POLICE STATION,
ERNAKULAM DISTRICT-682 006.**

BY PUBLIC PROSECUTOR SRI.C. RASHEED.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 02-07-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

K.HARILAL, J.

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B.A. No. 3715 of 2015

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Dated this the 2nd day of July, 2015

ORDER

This is an application filed under Section 439 of the Code of Criminal Procedure.

2. Petitioner is the 6th accused in Crime No.491/2015 of the Thoppumpady Police Station, Ernakulam District, registered for the offences punishable under Sections 406 and 420 IPC, 66(D) of the Information Technology Act, Section 12(c) of the Passport Act and Section 14 of the Foreigners Act.

3. The allegation against the petitioner is that the petitioner along with the 5th accused, who are foreigners, with dishonest intention of obtaining unlawful gain by cheating, obtained bank account numbers, ATM Cards, ATM PIN numbers from several persons by making them believe that those are for the

purpose of withdrawing scholarship amounts and stipend from their countries. Further, it is alleged that through Website by name 'Quicker', they informed the de facto complainant that they would arrange camera for ₹47,000/- and the person who purchased it, will get a digital camera worth ₹3,000/- free of cost. Thus the petitioner and the other accused induced the de facto complainant to deposit ₹65,200/- and thereafter, deceived the de facto complainant by not giving camera as promised. He was arrested on 02.05.2015.

4. Heard the learned counsel for the petitioner and the learned Public Prosecutor.

5. The learned counsel for the petitioner submits that he is innocent of the allegations levelled against him and he is falsely implicated without conducting proper investigation. He is ready to co-operate with the investigation and to abide any condition, which may be imposed by this Court, while granting bail. The learned Public Prosecutor, on instructions, submits that the petitioner is the

accused in the above crime registered for the offences stated above and he was arrested on 02.05.2015. The learned Public Prosecutor further submits that some more accused are to be arrested and if he is released on bail, he may flee away from the process of law and repeat the same offence again. It seems that the investigation of the case is not over; but the petitioner had already undergone pre-trial incarceration for a period of around two months. Considering the facts and circumstances of the case and the petitioner is ready to co-operate with the investigation, I am satisfied that the petitioner can be enlarged on bail.

6. In the result, this Bail Application is allowed and the petitioner shall be enlarged on bail on his executing a bond for ₹ 50,000/- (Rupees Fifty thousand only) with two solvent sureties for the like sum each to the satisfaction of the concerned Judicial First Class Magistrate's Court, and subject to the following terms and conditions:-

- (i) The petitioner shall produce solvent sureties who are

permanent residents in the State of Kerala.

(ii) The petitioner shall report before the Investigating Officer on every Monday for a period of two months and as and when required by the Investigating Officer.

(iii) The petitioner shall surrender his passport before the trial court.

(iv) The petitioner shall inform his place of stay with mobile number during the period of trial till the disposal of the case.

(v) The petitioner shall not tamper with the evidence or influence witnesses.

(vi) The petitioner shall not involve in any similar offence while on bail.

It is made clear that the violation of any of the conditions stipulated above will result in the cancellation of bail.

**Sd/-
K.HARILAL, JUDGE.**

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P.A.to Judge