

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

WEDNESDAY, THE 15TH DAY OF JULY 2015/24TH ASHADHA, 1937

Bail Appl..No. 3932 of 2015

CRIME NO. 904/2015 OF MAVELIKARA POLICE STATION , ALAPPUZHA DISTRICT

PETITIONER(S)/2ND ACCUSED 1 TO 3 :

1. JOMI FRANCIS, AGED 35 YEARS,
S/O.FRANCIS, PADMAVIHAR, KANNAMANGALAM,
SOUTH CHETTIKULAGARA, MAVELIKARA.
2. SOUMAYA NAIR, AGED 28 YEARS,
W/O.JOMI FRANCIS, PADMAVIHAR, KANNAMANGALAM,
SOUTH CHETTIKULAGARA, MAVELIKARA.
3. GOPALAKRISHNAN NAIR, AGED 59 YEARS,
S/O.KUTTAPPAN NAIR, PADMAVIHAR, KANNAMANGALAM,
SOUTH CHETTIKULAGARA, MAVELIKARA.

BY ADV. SRI.M.R.SARIN

RESPONDENT(S)/STATE/ COMPLAINANT :

1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.
2. THE SUB INSPECTOR OF POLICE,
MAVELIKARA POLICE STATION, ALAPPUZHA -688 001,
REPRESENTED 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 15-07-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

K. ABRAHAM MATHEW, J.

B.A. No.3932 of 2015

Dated this the 15th day of July, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioners are alleged to have committed the offence under Section 420 of the Indian Penal Code.

3. According to the prosecution they made a false promise to that they would get a Canadian visa for the husband of the first informant and received from her Rs.1,50,000/- (Rupees One lakh fifty thousand only). They failed to get a visa for him.

4. Heard.

5. The learned counsel submits that the allegations are false. But it is not disputed that the amount of Rs.1,50,000/- (Rupees One lakh fifty thousand only) was deposited in the account of the third petitioner. The petitioners say that it was a loan given by the first informant. Prima facie that cannot be accepted. The learned counsel submits that the petitioners are ready to deposit the amount within two weeks in the trial court. For that reason alone I am inclined to grant the prayer of the

petitioners for anticipatory bail.

In the result, this application is allowed.

1. The petitioners shall be released on bail after interrogation on their executing a bond for Rs.25,000/- (Rupees Twenty five thousand only) each with two solvent sureties each for the like sum if they are arrested by the police in connection with this case.

2. They shall appear before the investigating officer between 10 a.m to 11 a.m every Wednesday for two months or till the final report is filed whichever is earlier.

3. The petitioners shall deposit Rs.1,50,000/- (Rupees One lakh fifty thousand only) in the trial court within two weeks from today failing which the learned Magistrate shall cancel this bail order.

4. They shall not get themselves involved in any other criminal case while they are on bail.

5. They shall not intimidate or attempt to influence the witnesses.

6. They shall not destroy or tamper with evidence.

In case of violation of any of the above conditions, the learned Magistrate is empowered to cancel the bail in

accordance with law.

If the petitioners surrender before the Magistrate this order is not applicable and the learned Magistrate may pass appropriate orders.

sd/-
K. ABRAHAM MATHEW
JUDGE

R.AV

//True Copy//

PA to Judge