

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE SUNIL THOMAS

MONDAY, THE 27TH DAY OF JULY 2015/5TH SRAVANA, 1937

Bail Appl.No. 4360 of 2015

CRIME NO. 657/2015 OF HARBOUR POLICE STATION, ERNAKULAM

PETITIONER(S)/ACCUSED 2 TO 5:

1. **P.R.SHIBU AGED 42 YEARS,
S/O.RAJAPPAN, KANDAKOLIL HOUSE, CHALICKAVATTOM,
VYTTILA, VENNALA P.O.**
2. **K.SHAJIMON, AGED 47 YEARS,
S/O.KARUNAKARAN, KALAPRAYIL HOUSE, AROOKUTTY P.O.,
CHERTHALA.**
3. **T.S.PRAVEEN, AGED 40 YEARS,
S/O.SOMANATHAN, THONDIPARAMBIL HOUSE, KUNDANNOOR,
MARADU P.O.**
4. **P.H.PRAKASH, AGED 36 YEARS,
PUTHUPARAMBIL HOUSE, UDAYAMPEROOR P.O., UDAYAMPEROOR.**

**BY ADVS.SRI.C.S.AJITH PRAKASH
SRI.P.S.SYAMKUTTAN**

RESPONDENT(S)/COMPLAINANT:

1. **STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**
2. **THE SUB INSPECTOR OF POLICE,
HARBOUR POLICE STATION, WILLINGTON ISLAND, ERNAKULAM.**

*** ADDITIONAL R3 IMPEADED**

3. **ADV. GOPAKUMAR K.G., S/O.LATE K.K.GOPI,
AGED 32 YEARS, KANNANTHARA HOUSE,
THEKKENMALIPPURAM, AZHEKKAL P.O.,
KOCHI TALUK, VYPIN, ERNAKULAM DISTRICT.**

*** ADDITIONAL R3 IMPEADED AS PER ORDER DTD.27.7.2015 IN
CRL.MA.7202/2015**

**R3 BY ADV. SRI.P.T.JOSE
R1 & R2 BY PUBLIC PROSECUTOR SMT.M.G.LISHA**

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
27-07-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

SUNIL THOMAS, J.

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B.A.No.4360 of 2015

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Dated this the 27th day of July, 2015

ORDER

This application for anticipatory bail is filed by the accused in Crime No.657 of 2015 of the Harbour Police Station for offences punishable under Sections 406, 420, 120B and 506(ii) of the Indian Penal Code, 1860.

2. The allegation of the de facto complainant is that in 2010 the first accused offered to get confirmed jobs in Dubai Port Trust for a consideration of Rs.20,00,000/- from 18 employees and as a part of the above consideration, received a sum of Rs.30,000/- each totaling to Rs.5,40,000/- which was allegedly handed over to the first accused by the remaining accused. Since job was not obtained, a complaint was submitted to the Port Trust. Simultaneously, a writ petition was filed before this Court seeking appropriate reliefs, contending that Cochin Port Trust was not taking appropriate action. The above writ petition was disposed of clarifying that they may take recourse to the appropriate proceedings. Thereafter, a complaint was laid before the Magistrate which was referred to the concerned Police Station invoking the provision of Section 156(3) of the Cr.P.C. Apprehending arrest,

accused have approached this Court seeking pre-arrest bail. The de facto complainant has sought intervention in the present proceeding and has filed Cr.M.A.No.7202 of 2015 with copy to both sides. This is allowed.

3. Heard the learned counsel for the petitioners, impleading petitioner (de facto complainant) and the learned Public Prosecutor.

4. The crux of the allegation against the accused is that they offered to give job to the de facto complainant on receipt of a consideration of Rs.5,40,000/- @Rs.30,000/- per person. The material on record show that the second accused has received a sum of Rs.30,000/- by cheque. The question whether there was illegal offer by the accused to procure job for consideration, and if so, the terms and conditions of that, whether the accused had a mala fide intention in making such an offer and whether any amount have been received by them etc., are all matters that depend on the quality of evidence to be brought on record. This essentially depend on the oral testimony of the de facto complainant. Though the allegation is serious, I feel that this is not a matter in which custodial interrogation of the accused will improve the case of the de facto complainant. In the light of the above, I am inclined to grant pre-arrest bail to the petitioners subject to the following strict

conditions.

(i) Petitioners shall appear before the Investigating Officer on 03.8.2015 and offer themselves for interrogation. After interrogation, in the event of their arrest, they shall be released on bail on each of the petitioner executing a bond for Rs.60,000/- (Rupees sixty thousand only) with two sureties, for the like sum each.

(ii) Petitioners shall co-operate with the investigation and shall not in any manner, threaten, coerce or intimidate the witnesses.

(iii) Petitioners shall not leave the country without the prior permission in writing of the concerned magistrate and shall also produce their passports if any, before the jurisdictional magistrate within a period of three weeks from today and in the event of not having it, file an affidavit regarding that.

(iv) Petitioners shall also produce any documentary evidence in relation to their bank accounts, if the Investigating Officer in the course of investigation finds that they are required for the process of investigation.

The anticipatory bail is granted to the petitioners on the basis of the available records. However, it is clarified that in the event of further complicity being revealed in the course of investigation,

nothing precludes the Investigating Officer from seeking further directions in that regard.

Sd/-

SUNIL THOMAS
Judge

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True Copy

P.A to Judge