

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

WEDNESDAY, THE 29TH DAY OF JULY 2015/7TH SRAVANA, 1937

Bail Appl..No. 4487 of 2015

R.C.NO. 5(A)/2015 OF CBI/COCHIN, ERNAKULAM

PETITIONER(S)/ACCUSED NO.1 :

**L.ADOLPHUS, AGED 54 YEARS,
S/O.(LATE) LAWRANCE, LEYTON, PUNNATHALA SOUTH,
THANKASSERI, KOLLAM, 3RD FLOOR, PUTHERIKKAL BUILDING,
MARKET ROAD, ERNAKULAM 16, (PROTECTOR OF EMIGRANTS,
ERNAKULAM).**

**BY SRI.B.RAMAN PILLAI (SENIOR ADVOCATE)
ADVS.SRI.M.SUNILKUMAR
SRI.SUJESH MENON V.B.
SRI.T.ANIL KUMAR
SRI.MANU TOM
SRI.THOMAS ABRAHAM (NILACKAPPILLIL)
SRI.M.VIVEK**

RESPONDENT(S)/COMPLAINANT :

**CBI, COCHIN,
REPRESENTED BY THE STANDING CONSUL OF CBI,
HIGH COURT OF KERALA, ERNAKULAM-682 031.**

BY ADV. SRI.P.CHANDRASEKHARA PILLAI, C.B.I.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 29-07-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

Msd.

K.ABRAHAM MATHEW, J.

B.A.No. 4487 of 2015

Dated this the 29th day of July, 2015

ORDER

Petition filed under Section 439(1) Cr.P.C.

2. Petitioner is the 1st accused in R.C.No.5(A)/2015 registered by the CBI Kochin Unit for the offences under Sections 120B and 420 of IPC and Section 13(2) r/w Section 13(1)(d) P.C.Act and Sections 24 and 25 of the Emigration Act. He is a Central Government Officer. Since 2010 he has been working as Protector of Emigrants (P o E). The 2nd accused is a company which has been registered under the Act to recruit employees for overseas jobs. The 3rd accused is its managing director.

3. The prosecution case is that the 3rd accused who is a recruiting agent under the Emigration Act collected Rs.20 lakhs each from about 1200 nurses instead of Rs.19,500/- he was entitled to and thus he cheated them. The allegation against the petitioner is that he failed to discharge his duties as Protector of Emigrants, the reason for which is that there was quid pro quo.

4. Heard.

5. Learned Senior Counsel submits that the petitioner has been in custody since 16.6.2015 and his further detention is not necessary for

effective investigation. On the other hand, the learned counsel for the CBI submits that he is involved in two other identical cases and if he is released on bail there is every likelihood of his destroying the evidence and influencing the witnesses. It is also his submission that the 3rd accused is at large. If the petitioner is involved in other criminal cases the investigating officer may take appropriate steps in those cases. The mere fact that the 3rd accused is absconding will not dis-entitle him from getting bail. So I am inclined to grant the prayer of the petitioner.

In the result, this Bail Application is allowed.

i. The petitioner will be released on bail on his executing a bond for Rs.1,00,000/-(Rupees One lakh only) with three solvent sureties each for the like sum to the satisfaction of the lower court concerned.

ii. He shall appear before the investigating officer between 10.30 a.m and 11.30 a.m every Wednesday for four months, or till the final report is filed, whichever is earlier.

iii. He shall not intimidate or attempt to influence the witnesses, nor shall he get himself involved in any other criminal case.

iv. He shall surrender his passport before the lower court concerned or if he does not have one he shall file an affidavit to that effect within five days of his release.

v. He shall not leave India without the previous permission of the court of enquiry or trial court as the

case may be.

vi. He shall not contact or communicate with the co-accused.

vii. He shall not leave Ernakulam district for six months or till the completion of the investigation, whichever is earlier.

In case of violation of this order, the lower court concerned is empowered to cancel the bail in accordance with the law.

**K.ABRAHAM MATHEW
JUDGE**

pm