

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

TUESDAY, THE 18TH DAY OF AUGUST 2015/27TH SRAVANA, 1937

Bail Appl..No. 4756 of 2015 ()

**CRIME NO. 1135/2015 OF NEYYATTINKARA POLICE STATION,
THIRUVANANDAPURAM DISTRICT**

PETITIONERS/ACCUSED 1,3, 4 :

- 1. ALEX, AGED 27 YEARS,
S/O.PRABHAKARAN, KARUMARAKALA, CHANI,
KANJIRAMKULAM VILLAGE, KATTAKKADA TALUK,
THIRUVANANTHAPURAM DISTRICT.**
- 2. SREELAL, AGED 30 YEARS,
S/O.SREEKUMARAN NAIR, PULIMOOTIL HOUSE,
VEDIVACHANKOVIL, PALLICHAL VILLAGE,
THIRUVANANTHAPURAM DISTRICT.**
- 3. JINU JOSH, AGED 30 YEARS,
S/O.VASALAN, NAVANGAM HOUSE, AMARAVILA
PLAMCOTTUKKADA, PARASSALA
THIRUVANANTHAPURAM DISTRICT.**

**BY ADVS.SMT.MINI GANGADHARAN
SRI.N.C.SAJUNAM**

RESPONDENT :

**STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031.**

BY PUBLIC PROSECUTOR SRI.V.S. SREEJITH

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 18-08-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

K. ABRAHAM MATHEW, J.

B.A. No.4756 of 2015

Dated this the 18th day of August, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioners are accused 1, 3 and 4 in Crime No.1135 of 2013 of Neyyattinkara Police Station, Thiruvananthapuram District. They are said to have committed the offences under Sections 420, 403, 465, 468, 384 and 34 of the Indian Penal Code.

3. The prosecution case is that they made a false promise that they would get the victim a job visa and received from him Rs.1,25,000/- (Rupees One lakh twenty five thousand only) and they failed to get a job visa or repay the amount.

4. I have perused the case diary. Going by the story narrated in the complaint the petitioners took the victim to Dubai on 23.04.2014 promising to give him a job; but he was asked to return to India stating that the company in which he was promised to be given a job

would start functioning only three months later. Accordingly he came back on 27.05.2014. Again on 26.09.2014 he was allegedly taken to Dubai. He was compelled to open bank account in Dubai and take two sims of mobile phones, one of which was kept by the first accused. He was denied food and shelter and was harassed by the petitioners. Accused 1, 2 and 3 fraudulently got a company registered for the sole purpose of taking loans on the strength of false documents. The first accused threatened the victim into signing some printed and blank papers. He was compelled to come back to India on 20.12.2014 with the help of his brother's friend who was working in Dubai.

5. Heard both sides.

6. The last part of the incident allegedly took place in September 2014. The victim came back to India for the second time on 26.09.2014. The complaint was filed only on 16.07.2015. There is no explanation for the delay. The first petitioner's marriage is to be solemnised on 31.08.2015. The learned counsel submits that the complaint was filed with the malicious intention. These suspicious circumstances incline me to grant anticipatory bail to the petitioners.

In the result, this application is allowed.

1. The petitioners shall be released on bail after interrogation on their executing a bond for Rs.50,000/- (Rupees fifty 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 for interrogation every Saturday for one month.

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

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

5. They shall not destroy or tamper with the evidence.

6. The first petitioner shall leave India only after 45 days from today and furnish his foreign address and contact numbers to the investigating officer and he shall also make an undertaking in the form of an affidavit that he will return to India if he is so directed by the court concerned.

7. The third and fourth petitioner shall surrender their passport before the lower court concerned of if they do not have one, they shall file an affidavit to that effect within five

days of their release.

8. The third and fourth petitioner shall not leave India without the previous permission of the court of enquiry or trial court as the case may be.

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 petitioner surrenders 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