

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

FRIDAY, THE 21ST DAY OF AUGUST 2015/30TH SRAVANA, 1937

Bail Appl..No. 4987 of 2015 ()

CRIME NO. 1610/2015 OF ADOOR POLICE STATION , PATHANAMTHITTA DISTRICT

PETITIONER/3RD ACCUSED:

**G.MATHAI, AGED 81 YEARS,
S/O GEEVARGHESE, ELAVAKKATTU BETHEL HOUSE,
ADOOR VILLAGE, ADOOR P.O, PATHANAMTHITTA DISTRICT.**

**BY ADVS.DR.PAULY MATHEW MURICKEN
SRI.O.P.JOS WINSON**

RESPONDENT/COMPLAINANT:

**STATE OF KERALA,
REP. BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM,
REPRESENTING THE SUB INSPECTOR OF POLICE,
ADOOR POLICE STATION, PATHANAMTHITTA DISTRICT-689 645**

BY PUBLIC PROSECUTOR SMT. LALIZA.T.Y

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 21-08-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

sts

K. ABRAHAM MATHEW, J.

B.A. No.4987 of 2015

Dated this the 21st day of August 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioner is accused in Crime No.1610 of 2015 of Adoor Police station registered for the offence under Sec.420 read with Sec.34 of the Indian Penal Code. The prosecution case is that the petitioner along with the co-accused received Rs.5,50,000/- (Rupees five lakh fifty thousand only) on a promise to get a job Visa for the first informant but they failed to get it or to repay the amount.

3. Heard both sides.

4. Learned counsel submits that the allegation is false and infact he was employed in Zambia. He came back so that his employer may apply for a permanent employment Visa for him and he did not go back because he is involved in a criminal case.

5. It is seen from the documents produced by the petitioner that the first informant was employed in

Zambia as a tutor atleast from November 2014 till 18.02.2015 when he came back to India. He was even granted leave while he was working in Zambia as seen from Annexure 8. Though he came back to India on 18.02.2015 he complained of the commission of the offence only on 08.07.2015. These are all suspicious circumstances. So I am inclined to grant the prayer of the petitioner.

In the result, the bail application is allowed.

1) The petitioner shall be released on bail after interrogation on his executing a bond for Rs.50,000/- (Rupees fifty thousand only) with two solvent sureties each for the like sum if he is arrested by the Police in connection with this case.

2) The petitioner shall appear before the Investigating Officer for interrogation if he is so required by him in writing.

3) He shall surrender his passport before the lower court concerned or if he does not

have the one, file an affidavit to that effect.

4) He shall not leave India without the previous permission of the court of enquiry or the trial court concerned as the case may be.

5) He shall not destroy or tamper with evidence nor shall he get himself involved in any other criminal case.

6) He shall not intimidate or attempt to influence the witnesses.

7) He shall co-operate with investigation of the case.

In case of violation of any of the above conditions, the learned Magistrate is empowered to cancel the bail in accordance with the 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
/ True Copy /

NS

P.A. To Judge