

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

TUESDAY, THE 1ST DAY OF SEPTEMBER 2015/10TH BHADRA, 1937

Bail Appl..No. 5069 of 2015 ()

AGAINST THE ORDER IN Cr1.M.C 1632/2015 of SESSIONS COURT, ERNAKULAM
DATED 12-08-2015.

CRIME NO. 568/2015 OF PIRAVAM POLICE STATION, ERNAKULAM.

PETITIONER/2ND ACCUSED:

MEENU SATHEESH, AGED 35 YEARS,
W/O.SATHEESH, KANIVEETIL HOUSE, MEKKADAMPU KARA,
VALAKOM PO, ERNAKULAM.

BY ADVS.SRI.BECHU KURIAN THOMAS.
SRI.S.SREEDEV.

RESPONDENT/COMPLAINANT:

STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SMT.T.Y.LALIZA.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
01-09-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

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A.HARIPRASAD, J.

B.A No.5069 of 2015

Dated this the 1st day of September, 2015.

ORDER

Application for pre-arrest bail under Section 438 Cr.P.C.

2. Petitioner is the second accused in Crime No.568 of 2015 of Piravam Police Station registered for offences punishable under Sections 406, 420 and 506(1) of I.P.C r/w Section 10, 24(1)(a) (b) of the Emigration Act.

3. Prosecution case is that the petitioner along with her husband (first accused) made the defacto complainant believe that they were authorized to recruit employees to South Africa. It is contended that on that belief the defacto complainant deposited Rs.1,50,000/- in a particular account as instructed by the first accused.

4. Heard the learned counsel for the petitioner and the learned Public Prosecutor.

5. Learned counsel for the petitioner submitted that the whole prosecution case is false. Petitioner's husband and the defacto

complainant were seekers of employment in South Africa. They had gone to South Africa and secured employment in a company. After sometime, the defacto complainant was terminated from service for some malpractice and he had been deported. Thereafter, he falsely filed the complaint. It is also submitted that husband of the petitioner is still working in the same establishment. It is the definite case of the petitioner that neither her husband nor herself has any business of overseas recruitment. Considering the entire facts and the materials produced, I am of the view that custodial interrogation of the petitioner is not necessary. Hence the following order :

1. *Petitioner shall be released on bail in the event of arrest in Crime No.568 of 2015 of Piravam Police Station on executing a bond for Rs.10,000/- (Rupees ten thousand only) with two solvent sureties each for the like sum to the satisfaction of the Officer conducting the arrest.*
2. *Petitioner shall appear before the Investigating Officer as and when required for the purpose of interrogation.*

3. *Petitioner shall not influence or intimidate witnesses.*
4. *If any of the above conditions is violated by the petitioner, the learned Magistrate having jurisdiction is free to cancel the bail.*

Sd/-
A.HARIPRASAD,
JUDGE.

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P.A to Judge