

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

MONDAY, THE 7TH DAY OF SEPTEMBER 2015/16TH BHADRA, 1937

Bail Appl..No. 5176 of 2015

CRIME NO. 607/2015 OF ERNAKULAM SOUTH POLICE STATION , ERNAKULAM

PETITIONER/ACCUSED NO.1:

**JAYESH J.KUMAR, AGED 37 YEARS,
S/O.JANARDANA PILLAI, MALIYEKKAL HOUSE,
KARIKKULAM MURI, RANNI, PATHANAMTHITTA DISTRICT.**

**BY ADVS.SRI.S.RAJEEV
SRI.K.K.DHEERENDRAKRISHNAN
SRI.V.VINAY**

RESPONDENT & STATE:

**STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682031,
(CRIME NO.607/2015 OF E.T.SOUTH POLICE STATION,
ERNAKULAM DISTRICT).**

BY PUBLIC PROSECUTOR SRI.RAJESH VIJAYAN

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 07-09-2015,
ALONG WITH BA.NO.5178/2015 AND CONNECTED CASES, THE COURT ON
THE SAME DAY PASSED THE FOLLOWING:**

PJ

A.HARIPRASAD, J.

B.A Nos.5176, 5178, 5190, 5195 & 5205 of 2015

Dated this the 7th day of September, 2015.

ORDER

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

2. Petitioner is the first accused in Crime Nos.607, 610, 609, 606 and 608 of 2015 of Ernakulam Town South Police Station registered for offences punishable under Sections 406 and 420 r/w Section 34 I.P.C.

3. Prosecution case, in short, is that the petitioner received money from various students for securing admission to Engineering Colleges affiliated to Jawaharlal Nehru Technological University, Hyderabad. It is the contention of the petitioner that due to bifurcation of the State of Andhra Pradesh as Telungana and Andhra Pradesh, there was some confusion as to which of the colleges within the limits of Telungana would be affiliated to the Universities situated in Andhra Pradesh. On account of this, various students opted to quit the colleges and

they demanded money back. According to the learned counsel petitioner had paid back money to various students.

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

5. Learned Public Prosecutor opposed the bail application. As per order in bail application B.A No.3086/2015, this Court granted bail to the petitioner in Crime No.161 of 2015 of Ernakulam Town South Police Station. It is the submission of the learned counsel for the petitioner that the petitioner was in custody for nearly 60 days in different cases and custodial interrogation had been done in many cases. The allegations made by the defacto complainant in these cases are the same as in the previous cases. Therefore, no custodial interrogation is necessary in these matters. Per contra, learned Public Prosecutor submitted that the petitioner may be directed to deposit considerable money for retuning the amounts claimed by the defacto complainants. Reckoning the entire facts and

circumstances, following directions are made :

1. Petitioner shall surrender before the investigating officer within a period of two weeks from today and submit himself for interrogation. In that event, the petitioner shall be released on bail in each of the above crimes on executing a bond for Rs.50,000/- (Rupees fifty thousand only) with two solvent sureties each for the like sum to the satisfaction of the Investigating Officer.
2. The sureties shall produce documents to establish their identity and solvency. The learned trial Judge need not insist on solvency certificate, but other documents can also be perused to find out whether the sureties are solvent or not.
3. The petitioner shall furnish security for Rs.5,00,000/- (Rupees five lakhs only) before the court below within a period of one month from today.
4. The petitioner shall appear before the Investigating Officer as and when directed.
5. The petitioner shall not influence or intimidate the witnesses or meddle with the investigation in any manner.

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.