

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

THURSDAY, THE 29TH DAY OF OCTOBER 2015/7TH KARTHIKA, 1937

Bail Appl..No. 6148 of 2015

CRIME NO. 753/2014 OF KALPETTA POLICE STATION, WAYANAD DISTRICT.

PETITIONER(S)/1ST ACCUSED:

**VIJESH A.V., S/O.MADHAVAN @ ANDI,
AGED 25 YEARS, EROL HOUSE, AYAROTT,
KODOM YAMSOM, KODOTH, ODAYANCHAL,
KANHANGAD, KASARGOD-671 531.**

**BY ADVS.SRI.PHILIP T.VARGHESE
SRI.THOMAS T.VARGHESE
SMT.ACHU SUBHA ABRAHAM
SMT.K.R.MONISHA
SRI.DENNY VARGHESE**

RESPONDENT/COMPLAINANT:

**STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM,
REPRESENTING THE STATION HOUSE OFFICER,
KALPETTA POLICE STATION-673 121.**

ADDL. R2 & R3 IMPEADED

- 2. RADHAKRISHNAN, AGED 57 YEARS,
S/O.KRISHNA PILLAI, 7A, SHYLA MANOR APARTMENTS,
JAWAHAR NAGAR, KOWDIAR.P.O., THIRUVANANTHAPURAM.**
- 3. ABHIRAJ, AGED 48 YEARS, S/O.SREECARDHAN, FLAT NO.4A,
SFS WIMBILDON, BEHIND TENNIS CLUB, KOWDIAR,
THIRUVANANTHAPURAM.**

**ADDL. R2 & R3 ARE IMPEADED AS PER ORDER DATED 15.10.2015
IN CRL.M.A.9874/2015 IN BA.6148/2015.**

**R1 BY PUBLIC PROSECUTOR SRI.C.RASHEED
ADDL. R2 & R3 BY ADV. SRI.D.KISHORE**

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 29-10-2015 ALONG WITH BA. 6558/2015, THE COURT ON
THE SAME DAY PASSED THE FOLLOWING:**

mbr/

A.HARIPRASAD, J.

B.A.Nos.6148 & 6558 of 2015

Dated this the 29th day of October, 2015

COMMON ORDER

Applications filed under Section 439 of the Code of Criminal Procedure.

2. Petitioner is the 1st accused in Crime No.753 of 2014 of Kalpeta Police Station and Crime No.1032 of 2015 of Kodanad Police Station registered for the offences punishable under Sections 406, 420 and 506(ii) r/w Section 34 of the Indian Penal Code. The case was registered on the basis of a private complaint filed before the Magistrate which was forwarded for investigation under Section 156(3) of the Code of Criminal Procedure.

3. Prosecution case is that the petitioner along with other accused cheated public by fraudulently receiving huge amounts from parents of MBBS course aspirants offering to furnish seats in various Colleges at Karnataka.

4. Heard the learned counsel for the petitioner and the learned counsel for the defacto complainants in other cases and the learned Public Prosecutor.

5. Learned counsel for the complainants and

learned Public Prosecutor strongly contended that the petitioner is a member in a racket which received huge amounts offering medical seats to the students. It is also contended that other crimes are registered against him in various other Police Stations and they are pending investigation. In Kalpeta crime, the petitioner was arrested on 12.09.2015 and in the other cases he was formerly arrested on 02.10.2015.

6. Learned counsel for the defacto complainant submitted that there must be some direction that the petitioner should deposit considerable amount.

7. Learned counsel for the petitioner submitted that he is not in a position to deposit any amount.

8. Considering the nature of allegations and stage of investigation, I am inclined to grant bail to the petitioner with the following strict conditions:

- (a) The petitioner shall be released on bail on his executing a bond for ₹1,00,000/- (Rupees one lakh only) in each case with two solvent sureties for the like sum to the satisfaction of

the JFCM-I, Kuruppampady and CJM- Kalpeta.

- (b) The sureties shall produce documents to establish their identity and solvency. The lower court need not insist on solvency certificate, but other documents can also be perused to find out whether the sureties are solvent or not.
- (c) The petitioner shall appear before the S.H.O. Kalpeta on alternate Mondays and he shall appear before the S.H.O. Kodanad on alternate Saturdays between 10.00 a.m and 11.00 a.m. until the final report is filed.
- (d) The petitioner shall not leave the limits State of Kerala without getting permission from the JFCM-I, Kuruppampady
- (e) The petitioner shall surrender his passport forthwith before the learned Magistrate. If he does not have passport, he shall file an affidavit to that effect.
- (f) The petitioner shall not intimidate or attempt

to influence the witnesses.

(g) The petitioner shall not in any manner interfere or meddle with the investigation.

(h) The petitioner shall not, during the period of this bail get involved in any offence.

In case any of the above conditions is violated, bail granted hereby is liable to be cancelled for which the investigating officer may move application before the jurisdictional magistrate.

Sd/-

A.HARIPRASAD, JUDGE.

AS

/True Copy/

P.A. To Judge