

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MRS. JUSTICE MARY JOSEPH

MONDAY, THE 13TH DAY OF JULY 2015/22ND ASHADHA, 1937

Bail Application No. 6286 of 2014 ()

CRIME NO.322 /2014 OF GURUVAYOOR POLICE STATION

PETITIONER(S)/ACCUSED:

NASEEB N, AGED 28 YEARS
S/O.NASEER, VARUVILAKOM VEEDU, PERUMATHIRA P.O.
THIRUVANANTHAPURAM.

BY ADVS.SRI.BLAZE K.JOSE
SRI.RAHUL SASI
SMT.NEETHU PREM
SRI.ANIL VIJAYAN

RESPONDENT(S)/COMPLAINANT:

- 1. STATE OF KERALA
REP.BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM, PIN 682031.

2. SUB INSPECTOR OF POLICE
GURUVAYOOR POLICE STATION, PIN 680101.

ADDL.R3. SUBASH.M,
S/O RAMACHANDRAN NAIR,
MANNATHU VEEDU,
ARIKANNIYOOR P.O,
THRISSUR DISTRICT,
PIN. 680102

R3 BY ADV. SMT.BIMALA BABY
R1 & R2 BY PUBLIC PROSECUTOR

ADDL.R3 IS IMPEADED VIDE ORDER DATED 4.3.2015 IN CRL.M.A NO.1517/2015
IN B.A NO.6286/2014.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
13-07-2015, ALONG WITH BA. 6704/2014, THE COURT ON THE SAME DAY
PASSED THE FOLLOWING:

Mary Joseph, J.

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B.A Nos.6286 of 2014 & 6704 of 2014

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Dated this the 13th day of July 2015.

ORDER

These petitions are filed under Section 438 of the Code of Criminal Procedure seeking anticipatory bail. Petitioner in B.A No. 6286 of 2014 is one among the four accused in Crime No.322 of 2014 of Ramapuram Police Station.

2. The petitioner in B.A No.6704 of 2014 is one among the four accused in Crime No.852 of 2014 of Guruvayoor Police Station.

3. In both the cases, the case of the prosecution was that the petitioner along with others have cheated the respective de facto complainants after obtaining money from them on the promise to procure a visa and a job at Taiwan. Thereafter, visa was not obtained and job was not provided as agreed and in the circumstances that written complaints were filed before the respective Police Stations and on the basis of the allegations contained therein that the crimes in

question have been registered. The petitioner apprehends arrest in the respective crimes and in the said circumstances that he has come up with these applications seeking anticipatory bail.

4. These applications were filed on August and September, 2014 respectively and as per the direction of this Court the de facto complainants in the respective Crimes were also impleaded in the respective bail applications as additional third respondent. The de facto complainants entered appearance through Smt.Bimala Baby and filed counter statements.

5. It is the argument of Smt.Bimala Baby, on the basis of the counter statements filed that the petitioner's involvement in both the crimes is so grave. According to her, it was the petitioner who has received the money from the de facto complainants on the promise that visa and job will be procured for the de facto complainants.

6. Sri.Abhijett Lessli the learned Public Prosecutor appearing for the State has placed the Case Diary before me. According to him, the investigation is progressing in the matter. It is submitted by him on the basis of the relevant materials contained in the Case Diary that materials

are prima facie indicative of involvement of the petitioner in both the crimes. He thus, canvassed for rejection of both the bail applications on that ground.

7. The Case Diary is perused by me. From a perusal of the Case Diary, I am convinced of the prima facie involvement of the petitioner in the alleged acts levelled against the petitioner. Therefore, these cases do not warrant this Court's exercise of the discretionary power vested under Section 438 of the Code of Criminal Procedure. At this juncture, the learned counsel for the petitioner canvassed for a direction to the petitioner to surrender before the investigating officer. I also feel it just and proper.

In the circumstances, both these bail applications are disposed of with a direction to the petitioner in respective crimes to surrender before the respective Investigating Officers at 10 a.m on 20.07.2015 and 22.07.2015 for interrogation and if interrogation is not completed on that day, the petitioner is directed to appear before the respective Investigating Officers on the day and time as directed by latters. After the interrogation, the petitioner shall be produced before the respective

Magistrates having jurisdiction on the same day. The learned Magistrates shall consider bail applications, if any moved by the petitioner, and the applications, if any filed by the respective Investigating Officers for getting the petitioner in custody, if custodial interrogation is found necessary during the questioning without delay in accordance with law.

vdv

Sd/-
Mary Joseph, Judge.