

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

FRIDAY, THE 30TH DAY OF OCTOBER 2015/8TH KARTHIKA, 1937

Bail Appl..No. 6582 of 2015 ()

CRIME NO. 831/2015 OF MUNAMBAM POLICE STATION, ERNAKULAM DISTRICT

PETITIONER/ACCUSED NO. 2 :

**ANDROOS,
AGED 59 YEARS, S/O.DHARMAYYAN,
POYYAPPILLIL, VILAKAM
POSHIYOOR, THIRUVANANTHAPURAM.**

**BY ADVS.SRI.S.RAJEEV
SRI.K.K.DHEERENDRA KRISHNAN
SRI.V.VINAY**

RESPONDENT & STATE :

**STATE OF KERALA
REP. BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA
ERNAKULAM-682031
(CRIME NO.831/2015 OF MUNAMBAM POLICE STATION
ERNAKULAM DISTRICT).**

BY ADDL. DIRECTOR GENERAL OF PROSECUTION SRI. K.I. ABDUL RASHEED

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 30-10-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

A.HARIPRASAD, J.

B.A.No.6582 of 2015

Dated this the 30th day of October, 2015

ORDER

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

2. Petitioner is the 2nd accused in Crime No.831 of 2015 of Munambam Police Station registered for the offences punishable under Sections 420, 120(B), 368, 370 and 282 r/w Section 34 of the Indian Penal Code and Section 14(C) of Foreigners Act.

3. Prosecution case is that the petitioner along with other accused obtained an amount of ₹1,00,000/- each from some other accused who are Srilankan Nationals promising that they would be taken to Australia in a boat. Petitioner assisted them in hiding at a place.

4. Heard both sides.

5. Learned counsel for the petitioner submitted that other accused in the crime were released on bail.

6. Learned ADGP opposed the bail application. He submitted that investigation has not been completed. Therefore, in case of passing bail order there must be safeguards for securing the presence of the accused for

further investigation.

7. Considering the fact that he is arrested on 24.09.2015 and the stage of investigation, I am inclined to grant bail to the petitioner with the following conditions:

- (a) The petitioner shall be released on bail on his executing a bond for ₹1,00,000/- (Rupees one lakh only) with two solvent sureties for the like sum to the satisfaction of the learned magistrate having jurisdiction.
- (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 Investigating Officer on all Mondays and Saturdays between 10.00 a.m and 11.00 a.m. until the final report is filed.
- (d) The petitioner shall surrender his passport forthwith before the learned Magistrate. If he

does not have a passport, he shall file an affidavit to that effect.

- (e) The petitioner shall not leave the limits of Ernakulam Revenue District until the final report is filed.
- (f) The petitioner shall appear before the Investigating Officer as and when required for the purpose of interrogation.
- (g) The petitioner shall not intimidate or attempt to influence the witnesses.
- (h) The petitioner shall not in any manner interfere or meddle with the investigation.
- (i) 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