

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

WEDNESDAY, THE 28TH DAY OF OCTOBER 2015/6TH KARTHIKA, 1937

Bail Appl..No. 6732 of 2015

CRIME NO. 422/2015 OF MUKKOM POLICE STATION, KOZHIKODE DISTRICT.
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PETITIONER(S)/ACCUSED NOS.1,2 & 4:

- 1. JABIR K.A, AGED 31 YEARS, (1ST ACCUSED)
S/O. AHAMMED KUTTY, KAVUNGAL HOUSE,
PAMBIZHANJAPARA, THIRUVAMBADY.**
- 2. AHAMMED KUTTY, AGED 57 YEARS, (2ND ACCUSED)
S/O. MOIDEEN, KAVUNGAL HOUSE,
KALLURUTTY, PUTHANMADAM COLONY,
NEELESWARAM AMSOM DESOM,
NEELESWARAM P.O., KOZHIKODE DISTRICT.**
- 3. MANSOOR V.M., AGED 27 YEARS, (4TH ACCUSED)
S/O. MUHAMMED, VALKANDATHIL HOUSE,
KALLURUTTY P.O., OMASERY, KOZHIKODE.**

**BY ADVS.SRI.C.K.SREEJITH
SRI.C.V.JITHESH**

RESPONDENT/COMPLAINANT:

**STATE OF KERALA,
THROUGH STATION HOUSE OFFICER,
MUKKOM POLICE STATION,
KOZHIKODE DISTRICT,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031.**

BY PUBLIC PROSECUTOR SMT.R.REMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 28-10-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

A.HARIPRASAD, J.

B.A.No.6732 of 2015

Dated this the 28th day of October, 2015

ORDER

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

2. Petitioners are accused Nos.1, 2 and 4 in Crime No.422 of 2015 of Mukkom Police Station registered for the offences punishable under Sections 406 and 420 of the Indian Penal Code.

3. Prosecution allegation against the accused persons made the defacto complainant and others to believe that they would arrange visa to Saudi Arabia for them as Haj volunteers during the Haj pilgrimage. They collected ₹25,000/- from the defacto complainant and others and cheated them by making a breach of the promise.

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

5. Learned Public Prosecutor opposed the bail application contending that the petitioners are involved in 10 cases altogether of a similar nature.

6. Leaned counsel for the petitioners submitted that this is the only application pending before this Court and the petitioners were arrested on 05.09.2015.

7. Considering the stage of investigation and the period of detention, I am inclined to grant bail to the petitioners with the following conditions:

- (a) The petitioners shall be released on bail on his executing a bond for ₹25,000/- (Rupees twenty five thousand only) each with two solvent sureties each 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 petitioners shall appear before the Investigating Officer on all Saturdays

between 10.00 a.m and 11.00 a.m. until the final report is filed.

- (d) The petitioners shall not intimidate or attempt to influence the witnesses.
- (e) The petitioners shall not in any manner interfere or meddle with the investigation.
- (f) Th petitioners 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