

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

FRIDAY, THE 20TH DAY OF NOVEMBER 2015/29TH KARTHIKA, 1937

Bail Appl..No. 6913 of 2015

CRIME NO. 1493/2015 OF HILL PALACE POLICE STATION , ERNAKULAM DISTRICT

PETITIONER(S)/ACCUSED NO.2 :

**SAI SHANKER, AGED 23 YEARS,
S/O.HARI, SREE DURGA, SHARI TEMPLE ROAD,
EROOR, ERNAKULAM DISTRICT.**

BY ADV. SRI.S.VISHNU (TRIPUNITHURA)

RESPONDENT(S)/COMPLAINANT :

**STATE OF KERALA,
REPRESENTED BY THE S.H.O. HILL PALACE POLICE STATION,
(CRIME 1493/15) REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY SR.PUBLIC PROSECUTOR SRI.C.RASHEED

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 20-11-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

Msd.

A.HARIPRASAD, J.

B.A. No.6913 of 2015

Dated this the 20th day of November, 2015

ORDER

Application for bail under Section 439 of the Code of Criminal Procedure.

2. Petitioner is the second accused in Crime No.1493 of 2015 of Hill Palace Police Station registered for offences punishable under Sections 384, 388, 419, 420, 465, 468, 471, 120B, 170 and 171 read with Section 34 of the Indian Penal Code and Section 27 of the Arms Act. He seeks bail.

3. Prosecution case, in brief, is that the defacto complainant wanted to purchase a luxury car. The accused persons in furtherance of their common intention conspired to trap and cheat the defacto complainant. First accused masterminded the pla. The third accused approached the defacto complainant stating that their firm is conducting an exhibition of luxury cars in Bengaluru. She invited the defacto complainant to Bengaluru as a guest and arranged air ticket. There he was taken to an apartment. Then accused 3 and 4 in furtherance of a conspiracy, handed over a packet of maida, pretending it to be a packet of cocaine. At that time the first accused, impersonating as DIG of Police, entered the room

and seized the packet from the possession of the fourth accused. Second accused acted as an Officer of the Narcotic Control Bureau and arrested accused 3 and 4 alleging that they are part of a drug racket. After that the defacto complainant was threatened that he would also be arrested. The accused demanded rupees two crores as bribe for exonerating the defacto complainant. On 07.10.2015 on the basis of the complaint filed by the defacto complainant, Police laid a trap and arrested accused 1 to 5.

4. Heard both sides.

5. Learned counsel for the petitioner submitted that the petitioner is in custody from 07.10.2015 onwards.

6. Learned Prosecutor submitted that investigation in respect of this petitioner has advanced and bail can be granted to him with strict conditions. Therefore, the following order:

i. Petitioner shall be released on bail on executing a bond for ₹1,00,000/- (Rupees one lakh only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate having jurisdiction.

ii. The sureties shall produce documents to establish their identity and solvency. The lower court need not insist on the solvency certificate, but other documents can also be perused to find out whether the sureties are solvent or not.

iii. Petitioner shall appear before the Investigating Officer

on all Mondays and Thursdays between 9.00 and 10.00 a.m until final report is filed.

iv. He shall surrender his passport forthwith. If he does not have one, he shall file an affidavit to that effect before the Magistrate having jurisdiction.

v. He shall not leave the limits of Ernakulam District without the permission of the learned Magistrate having jurisdiction.

vi. He shall not indulge in any offence while on bail.

vii. He shall not influence or intimidate the witnesses or meddle with the investigation in any manner.

If any of the above conditions is breached by the petitioner, the lower court concerned is free to cancel bail without referring the matter to this Court.

A. HARIPRASAD, JUDGE.

cks