

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.P.JYOTHINDRANATH

WEDNESDAY, THE 2ND DAY OF DECEMBER 2015/11TH AGRAHAYANA, 1937

Bail Appl..No. 6926 of 2015 ()

CRIME NO. 407/2015 OF KUMALY POLICE STATION , IDUKKI DISTRICT

PETITIONER/ACCUSED :

**FERROZ KHAN, AGED 34 YEARS,
S/O.MOHAMED IQBAL, HARUN MANZIL,
VALIYAKANDAM, KUMILY, IDUKKI DISTRICT.**

**BY ADVS.SRI.T.A.UNNIKRISHNAN
SRI.K.K.AKHIL**

RESPONDENT/COMPLAINANT :

**STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT. V.H.JASMINE

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 02-12-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

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K.P.JYOTHINDRANATH, J.

Bail Application No.6926 OF 2015

Dated this the 2nd day of December, 2015

ORDER

This is an application filed under Section 438 of the Code of Criminal Procedure. The petitioner is the sole accused in Crime No.407/2015 of Kumaly Police Station, Idukki District.

2. When the application came up before this Court, the learned counsel for the petitioner submitted before me that here is a case where a crime is got registered by the defacto complainant herein as a pressure tactics to extract money. The case is that the petitioner arranged a job visa to the defacto complainant to go to Singapore to work as a Waiter, but instead of arranging a job visa for waiter, actually when he went therein, he found that he is appointed as a Trainee Cook and thereafter he returned and filed the complaint and thereafter crime registered.

3. I also heard the learned Public Prosecutor. The learned

Public Prosecutor submitted before me that here is a case where actually a job visa was promised to be given. But instead of giving a job visa for Waiter, when he went therein, it is found that he was given only a trainee status. Under such circumstances, he returned to the native place and filed the complaint highlighting the cheating element and the Police registered the crime.

4. After hearing both sides, I feel that here is a case where anticipatory bail can be granted to the petitioner on the following conditions :

1) The petitioner shall appear before the Investigating Officer within ten days of this order. On such appearance, the Investigating Officer is at liberty to interrogate the petitioner. After interrogation, if the police officer feels that arrest is necessary, he is at liberty to arrest the petitioner. Thereafter, if any recovery is necessary, that also can be made. Thereafter, the petitioner shall be released on bail on executing a bond for Rs.25,000/- with two solvent sureties each for the like amount to the satisfaction of the officer concerned.

2) After release on bail, the petitioner shall appear before the

Investigating Officer on all Saturdays in between 10 a.m. and 12 noon for a period of two months.

3) If the petitioner is holding a passport, it shall be produced before the Investigating Officer with a photocopy of the same and after perusal, the original shall be returned to the petitioner herein keeping the photocopy with the Investigating Officer. If the petitioner is not in possession of a passport, an affidavit to that effect shall be sworn and given to the investigating officer at the time of surrender.

4) The petitioner shall not commit similar offences during the bail period.

5) The petitioner shall not influence or intimidate the witnesses.

On the above conditions, this anticipatory bail application is allowed.

K.P.JYOTHINDRANATH
JUDGE

SV.