

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

FRIDAY, THE 13TH DAY OF NOVEMBER 2015/22ND KARTHIKA, 1937

Bail Appl..No. 7002 of 2015

CRIME NO. 283/2015 OF PADINJARETHARA POLICE STATION, WAYANAD

PETITIONERS/ACCUSED NO.1 & 3:

1. JABIR, AGED 31 YEARS,
S/O AHAMMEDKUTTY, KAVUNGAL HOUSE, NEELESWARAM,
MUKKAM, KOZHIKODE DISTRICT.
2. MANSOOR, AGED 27 YEARS,
S/O MUHAMMED, PALKANDATHIL HOUSE, NELESWARAM,
KALLURUTTY POST, KOZHIKODE DISTRICT.

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

RESPONDENT/COMPLAINANT:

**STATE OF KERALA, THROUGH
STATION HOUSE OFFICER, PADINJARATHARA POLICE STATION,
WAYANAD DISTRICT,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682031.**

BY PUBLIC PROSECUTOR SMT.R.REMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 13-11-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

A. HARIPRASAD, J.

Bail Appl. No.7002 of 2015

Dated this the 13th day of November 2015

O R D E R

Bail application filed under Sec.439 Cr.P.C.

2. Petitioners are accused nos.1 and 3 in Crime No.283 of 2015 of Padinjarathara Police station registered for the offences punishable under Secs.406 and 420 read with Sec.34 of the Indian Penal Code. Prosecution case in brief is that, the petitioners along with the other accused cheated the defacto complainant and others by receiving money and passports on the promise that they would arrange Hujj Volunteer Visa for them. The petitioners are in custody for a long time.

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

4. Learned counsel for the petitioners submitted that the petitioners are innocent of all the allegations and their further detention is not necessary.

5. Learned Public Prosecutor opposed the bail application contending that the petitioners are involved

in other crimes.

Considering the nature of allegations, bail is granted to the petitioners with the following conditions.

i. The petitioners shall be released on bail on their executing a bond for Rs.50,000/- (Rupees fifty thousand only) each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate having jurisdiction.

ii. The sureties shall be the persons permanently residing in the State of Kerala and shall produce documents to establish their identity and solvency.

iii. The lower Court need not insist on solvency certificate. Other documents revealing the solvency of the sureties can also be relied on.

iv. The petitioners shall appear before the Investigating Officer for interrogation on all Mondays between 10.00 a.m. and

11.00 a.m. until final report is filed.

v. The petitioners shall surrender their passports before the lower court concerned or if they do not have the same, file affidavits to that effect.

vi. The petitioners shall not intimidate or attempt to influence the witnesses, nor shall they tamper with the evidence.

vii. The petitioners shall not involve in any other offence during the period of bail.

In case of violation of any of the above conditions, the learned Magistrate is empowered to cancel the bail in accordance with law without referring the matter to this Court.

Sd/-
A. HARIPRASAD
JUDGE

/ True Copy /

NS/13/11/2015

P.A. To Judge