

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR

FRIDAY, THE 5TH DAY OF JUNE 2015/15TH JYAISHTA, 1937

Bail Appl..No. 6992 of 2014 ()

CRIME NO. 1058/2014 OF GANDHI NAGAR POLICE STATION,KOTTAYAM DISTRICT

PETITIONER(S)/ACCUSED 3 - 5:

1. SIBY G. JOHN, AGED 32 YEARS,
S/O.JOHN, GRACE COTTAGE, AMALAGIRI P.O.,
AMMANCHERRY, KOTTAYAM.
2. ANOOP VARGHESE, AGED 30 YEARS,S/O. VARGHESE,
PARAYARKUZHAY HOUSE, ATHIRAMPUZHA P.O.,
PAROLIKAL, KOTTAYAM.
3. CIJOMON JOY, AGED 28 YEARS,
S/O. JOY MATHEW, OTTAKKAPPALUMAVUMKAL HOUSE,
AMALAGIRI P.O., AMMANCHERRY, KOTTAYAM.

**BY ADVS.SRI.S.RAJEEV
SRI.K.K.DHEERENDRAKRISHNAN**

RESPONDENTS/STATE:

1. STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031,
CRIME NO. 1058/2014 OF GANDHI NAGAR POLICE STATION,
KOTTAYAM DISTRICT.
2. STATION HOUSE OFFICER,
GANDHI NAGAR POLICE STATION, KOTTAYAM- 686 008,
CRIME NO. 1058/2014 OF GANDHI NAGAR POLICE STATION,
KOTTAYAM.

BY PUBLIC PROSECUTOR SRI.RAJESH VIJAYAN

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 05-06-2015,ALONG WITH BA.NO.6993 OF 2014, THE COURT
ON THE SAME DAY PASSED THE FOLLOWING:**

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B. SUDHEENDRA KUMAR, J.

B.A. No. 6992 of 2014

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B.A. No. 6993 of 2014

Dated this the 05th day of June, 2015

ORDER

These applications are filed under Section 438 of the Cr.P.C.

2. The petitioners are accused in Crime No. 1058/2014 of Gandhi Nagar Police Station, registered under Sections 342, 323 and 384 read with Section 34 of the Indian Penal Code. The petitioners deposited an amount of Rs.13,00,000/- with the Bank for the second petitioner to get job in Switzerland. The above amount was deposited to show the capacity of the petitioner, which was a condition precedent to obtain visa to get a job in Switzerland. The de facto complainant however withdrew the amount. No visa was also granted. In the said circumstances, the petitioners abducted the de facto complainant in a car and snatched away an amount of Rs.6,00,000/- from the car. The first accused in the crime is the father of the second accused.

3. Heard.

4. The learned Public Prosecutor has no serious objection in allowing this petition.

5. It appears from the facts and circumstances as revealed from the submission at the bar that the custodial interrogation of the petitioners is not necessary for the progress of investigation of the case. The car had been already seized by the police. Considering the facts and circumstances of the case including the submission of the learned Public Prosecutor, I am inclined to grant the relief under Section 438 Cr. P.C. in favour of the petitioners.

6. In the result, these applications stand allowed and the respondents are directed to release the petitioners on bail in the event of their arrest in connection with Crime No. 1058/2014 of Gandhi Nagar Police Station on condition of each of the petitioners executing a bond for Rs.30,000/- (Thirty thousand only) each with two solvent sureties each, each for the like sum to the satisfaction of the second respondent, before whom the petitioners shall surrender, within ten days from this day and subject to the following further conditions.

- (1) The petitioners shall report before the Investigating Officer on every Monday between

9.00 and 11.00 a.m for six months or till the filing of the final report, whichever is earlier.

(2) The petitioners shall not intimidate or influence the witnesses or in anyway tamper with the investigation.

(3) The petitioners shall not get involved in any offence during the pendency of the crime.

(4) The petitioners shall deposit their passport, if any, with the arresting officer simultaneously at the time of arrest or file an affidavit.

In the event of surrender of passport by the petitioners before the Investigating Officer, the Investigating Officer shall without delay produce the same before the Court concerned.

**B. SUDHEENDRA KUMAR
JUDGE**

DMR/-