

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

TUESDAY, THE 8TH DAY OF DECEMBER 2015/17TH AGRAHAYANA, 1937

Bail Appl..No. 7371 of 2015

CRIME NO. 1993/2015 OF PUNALUR POLICE STATION, KOLLAM
.....

PETITIONER(S)/ACCUSED:

1. **AMAL, AGED 19 YEARS,
S/O.ANIL, MAYA MANDIRAM, KUTHIRACHIRA,
KARAVLOOR, MATHRA P.O., PUNALUR,
KOLLAM DISTRICT.**
2. **SHIBU FRANCIS, AGED 19 YEARS,
S/O.FANCIS DAVID, CHARUVILLA PUTHEN VEEDU, VYOLA P.O.,
PATHANAMTHITTA.**
3. **SYAMKUMAR S., AGED 26 YEARS,
S/O.(LATE) SREEKUMAR C., SYAM NIVAS,
MELILA WEST KUNNICODE P.O.,
KOLLAMDISTRICT - 691 568.**

**BY ADVS.SRI.MANOJ RAMASWAMY
SMT.V.SREEJA
SRI.BABU JOHN**

RESPONDENT(S):

1. **STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM -682 031.**
2. **THE SUB INSPECTOR OF POLICE,
PUNALUR POLICE STATION, KOLLAM DISTRICT - 691 305.**

BY PUBLIC PROSECUTOR SMT.T.Y.LALIZA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
08-12-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

A.HARIPRASAD, J.

B.A. No.7371 of 2015

Dated this the 8th day of December, 2015

ORDER

Application under Section 438 of the Code of Criminal Procedure.

2. Petitioners are accused in Crime No.1993 of 2015 of Punalur Police Station registered for offences punishable under Section 420 read with Section 34 of the Indian Penal Code. They seek pre-arrest bail.

3. Allegation is that the accused persons on the guise that they could secure admission to Udaya College, Vellamody, Tamil Nadu, received money and academic records. Thereafter they failed to secure admission and thereby cheated the defacto complainant.

4. Heard both sides.

5. Learned counsel for the petitioners submitted that there is no need for a custodial interrogation from the nature of offences.

After hearing the learned counsel on both sides, I am of the view that the following directions will meet the ends of justice:

i. In the event of arrest in Crime No.1993 of 2015 of Punalur Police Station, petitioners shall be released on bail on each one of them executing a bond for ₹25,000/- (Rupees twentyfive thousand only)

with two solvent sureties each for the like sum to the satisfaction of the investigating officer.

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

iii. Petitioners shall appear before the investigating officer as and when directed for interrogation and co-operate with the investigation.

iv. They shall not influence or intimidate the witnesses.

In case of violation of any of the above conditions, the officer concerned is free to arrest the petitioners as if no order is passed.

A. HARIPRASAD, JUDGE.

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