

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

THURSDAY, THE 10TH DAY OF DECEMBER 2015/19TH AGRAHAYANA, 1937

Bail Appl..No. 7747 of 2015 ()

CRIME NO. 2164/2015 OF CENTRAL POLICE STATION, ERNAKULAM DISTRICT

PETITIONER(S)/ACCUSED :

1. MR.HENRY JOSEPH, AGED 50 YEARS,
S/O. JOSEPH THOMAS, PRESIDENT OF ABC STUDY LINKS & MANAGING
DIRECTOR OF ABC STUDY LINKS PVT. LTD. JOS BUILDING,
JOS JUNCTION, KOCHI-682 016, RESIDING AT A12, CHRYSALIS VILLAS,
PUTHALATH TEMPLE ROAD, NORTH KALAMASSERY,
ERNAKULAM, PIN-683 104
2. MR. VENU GOPAL, AGED 42 YEARS,
S/O.LATE GOVINDAN KUTTY MENON, GENERAL MANAGER,
ABC STUDY LINKS PVT. LTD., RESIDING AT SURESH VIHAR
(KOMALLIL), PIRAVOM.P.O., ERNAKULAM-686 664
3. MRS. DAISY HENRY, W/O. HENRY JOSEPH, AGED 44 YEARS,
VICE PRESIDENT OF ABC STUDY LINKS & DIRECTOR OF ABC STUDY
LINKS PVT. LTD., JOS BUILDING, JOS JUNCTION, KOCHI-682 016,
RESIDING AT A12, CHRYSALIS VILLAS, PUTHALATH TEMPLE ROAD,
NORTH KALAMASSERY, ERNAKULAM, PIN-683 104
4. MRS. DEEPA DAN GEORGE,
DESIGNATION- REGIONAL MANAGER, AGED 39 YEARS,
W/O. DAN VARGHESE GEORGE, RESIDING AT VALLAYIL HOUSE,
KUTTAPPUZHA.P.O., TIRUVALLA, PATHANAMTHITTA DISTRICT-689 103
5. MS. CHINCHU VARGHESE,
DESIGNATION- MANAGER- ADMISSION, AGED 26 YEARS,
VARGHESE.C.G., RESIDING AT CHAKKALAKKAL HOUSE,
NAYARAMBALAM POST, ERNAKULAM DIST, PIN-682 509
6. MRS. SANISHA GOPAKUMAR,
DESIGNATION -MANAGER -ADMISSION, AGED 28 YEARS,
D/O. SASI.V.R., RESIDING AT VALIYAPARAMBIL HOUSE,
BOAT JETTY ROAD, VADUTHALA POST, ERNAKULAM DISTRICT-682 023
7. MS. SUVI SURENDRAN,
DESIGNATION-MANAGER-ADMISSION, AGED 30 YEARS,
D/O.SURENDRAN.A., RESIDING AT MARATA SERI HOUSE,
KARITHALA ROAD, BEHIND CHOICE TOWERS,
COCHIN-682 016

BA.NO.7747/2015

8. MRS. SOUMYA MANISH,
DESIGNATION: VISA DOCUMENTATION OFFICER,
AGED 23 YEARS, W/O. MANISH D THAKKER,
RESIDING AT MATHALIL HOUSE, HOUSE NO.KR09,
MARADU, VYTILLA, PIN-682 306
9. MS. SOUMYA.V.M.,
DESIGNATION: VISA DOCUMENTATION OFFICER,
AGED 23 YEARS, W/O. CHRISTOPHER ANTONY,
RESIDING AT THAREPARAMBIL HOUSE, 11/1171,
ST. JOHN PATTOM ROAD, KOCHI-682 001

BY ADVS.SRI.P.CHANDRASEKHAR
SRI.A.JAYASANKAR
SRI.C.V.MANUVILSAN
SRI.MANU GOVIND

RESPONDENT :

THE STATE OF KERALA,
REPRESENTED BY SUB INSPECTOR OF POLICE,
CENTRAL POLICE STATION, ERNAKULAM,
THROUGH PUBLIC PROSECUTOR,
HIGH COURT OF KERALA-682 018

BY PUBLIC PROSECUTOR SMT. LALIZA.T.Y.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 10-12-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

sts

A.HARIPRASAD, J.

B.A.No.7747 of 2015

Dated this the 10th day of December, 2015

O R D E R

Application filed under Section 438 of the Code of Criminal Procedure.

2. Petitioners are accused in Crime No.2164 of 2015 of Central Police Station registered for the offences punishable under Sections 406 and 420 r/w Section 34 of the Indian Penal Code.

3. Prosecution case is that the accused persons received money from the defacto complainant and others promising that they would arrange for higher studies in various Universities in Italy. Further, they assured scholarships, stipend etc., to the students.

4. Heard both sides.

5. Leaned counsel for the petitioners submitted that there is no case for the prosecution that the students did not go to Italy. Many of the students did not qualify the parameters of the Universities for claiming scholarships. It was not the mistake on the part of the

accused persons.

6. Learned Public Prosecutor submitted that the petitioners 3, 6 and 8 are not arrayed as accused. Therefore, their bail application stands dismissed. Insofar as the petitioners 1, 2, 4, 5, 7 and 9 are concerned, they are respectively accused Nos. 1, 2, 5, 3, 4 and 6, I am inclined to grant anticipatory bail to them with the following conditions:

- (a) In the event of arrest in Crime No.2164 of 2015 of Central Police Station, petitioners 1, 2, 4, 5, 7 and 6 shall be released on bail on executing a bond for ₹50,000/- (Rupees fifty thousand only) each with two solvent sureties each for the like sum to the satisfaction of the Investigating Officer.
- (b) The petitioners 1, 2, 4, 5, 7 and 6 shall appear before the Investigating Officer as and when directed for the purpose of interrogation.

- (c) The petitioners 1, 2, 4, 5, 7 and 6 shall co-operate with the investigation of the case.
- (d) The petitioners 1, 2, 4, 5, 7 and 6 shall not intimidate or attempt to influence the witnesses.
- (e) The petitioners 1, 2, 4, 5, 7 and 6 shall not in any manner interfere or meddle with the investigation.
- (f) The petitioners 1, 2, 4, 5, 7 and 6 shall not, during the period of this bail get involved in any offence.

In case any of the above conditions is violated, bail granted hereby is liable to be cancelled for which the investigating officer may move application before the jurisdictional magistrate.

A.HARIPRASAD, JUDGE.

AS