

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

MONDAY, THE 14TH DAY OF SEPTEMBER 2015/23RD BHADRA, 1937

Bail Appl..No. 7793 of 2014 ()

CRIME NO. 1597/2014 OF ADOOR POLICE STATION, PATHANAMTHITTA DISTRICT

PETITIONERS/ACCUSED NO.1 AND 2 :

1. MURALEEDHARAN NAIR
LEKSHMI NIVAS, AGED 40 YEARS
S/O.KRISHNAN NAIR, MALLIKA, THATTA P.O.
ADOOR.

2. SHIBU VARGHESE
MANNILETHU SUNIL BHAVAN,
AGED 40 YEARS, S/O. VARGHESE
CHIRATTAKONAM, VETTIKAVALA P.O.,
KOTTARAKKARA.

BY ADVS.SRI.ARUN B.VARGHESE
SRI.JAYKER K.S.

RESPONDENTS/COMPLAINANT :

1. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-682 031.

2. THE SUB INSEPCTOR OF POLICE
ADOOR POLICE STATION,
PATHANAMTHITTA DISTRICT-689 645.

R1 & R2 BY PUBLIC PROSECUTOR SMT. LALIZA T.Y.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 14-09-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Mn

A.HARIPRASAD, J.

B.A. No.7793 of 2014

Dated this the 14th day of September, 2015

ORDER

Petition under Section 438 of the Code of Criminal Procedure.

2. Petitioners are accused 1 and 2 in Crime No.1597 of 2014 of Adoor Police Station registered for offences punishable under Section 420 read with Section 34 of the Indian Penal Code.

3. The case was registered on the basis of a private complaint which was forwarded for investigation under Section 156(3) of the Code of Criminal Procedure. Prosecution case, in short, is that the petitioners promised a job visa to the wife of the complainant who is a qualified nurse and received a sum of rupees three lakhs. They could not arrange visa as promised. It is alleged that they cheated the defacto complainant.

4. Heard both sides.

There was an attempt to settle the matter at mediation which did not materialise. Considering the nature of allegations, the following order is passed:

i. Petitioners shall appear before the investigating officer within a period of two weeks and submit themselves for interrogation. Thereafter each one of them shall execute 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. In that event, they shall be released on bail in Crime No.1597 of 2014 of Adoor Police Station.

ii. The sureties shall produce documents to establish their identity and solvency.

iii. Petitioners shall appear before the Investigating Officer as and when directed for the purpose of investigation in the matter.

iv. They shall not influence or intimidate the witnesses.

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

A. HARIPRASAD, JUDGE.

cks