

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

TUESDAY, THE 18TH DAY OF AUGUST 2015/27TH SRAVANA, 1937

Bail Appl..No. 8115 of 2014

CRIME NO.1290/2014 OF PUTHENCROZE POLICE STATION, ERNAKULAM.

PETITIONER(S)/ACCUSED NO.1 AND 2:

1. **SUNU VIJAYAN, AGED 48 YEARS,
S/O.VIJAYAN, KOLLAMPARAMBIL, THUBANADU,
KAPPADU P.O., KANJIRAPALLY.**

2. **ANEESH KUMAR P.K.
PULINTHANATH VEEDU, KALAMBUR P.O,
ERNAKULAM DISTRICT.**

**BY ADVS.SRI.A.T.ANILKUMAR
SMT.V.SHYLAJA**

RESPONDENT(S):

1. **STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM .**

2. **THE SUB INSPECTOR OF POLICE,
PUTHENCROZE POLICE STATION.**

*** ADDL.R3 IMPEADED**

3. **SUJITH RAMAN, AGED 28 YEARS,
S/O.RAMAN, NAREEKKAL VEEDU,
MUZHUVANUR KARA, SOUTH MUZHUVANUR P.O.,
ERNAKULAM DISTRICT.**

**ADDL.R3 IMPEADED AS PER ORDER DTD.9/7/2015 IN CRL.MA.6346/2015 IN
BA.8115/2014**

**R1 & 2 BY PUBLIC PROSECUTOR SMT.LALIZA T.Y.
R3 BY ADV. SRI.BENNY VARGHESE**

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 18-08-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

K. ABRAHAM MATHEW, J.

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B.A.No. 8115 of 2014

Dated this the 18th day of August, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioners are accused in Crime No. 1290 of 2014 of Puthencruze Police Station. They are accused of having committed the offence under Sections 420 of the Indian Penal Code.

3. The prosecution case is that they made a false promise to the victim that they would get him a job visa and received from him Rs.8,45,600/-. They did not obtain him a visa to the United States as promised by them, nor did they repay the amount.

4. Heard.

5. In the complaint it is alleged that it was through one Arun Kumar, the victim came to know about the accused in May, 2012. This appears to be false. According to the learned counsel for the petitioners, it can be seen from Annexure-B bank statement that in December, 2011 the victim remitted Rs.500/- in the account of the second petitioner. It is not in dispute that the amount of Rs.8,45,600/- was paid in several instalments ranging

from Rs.5,600/- to Rs.3,00,000/-. The first remittance was on 13.07.2012. One amount was Rs.27,600/-. Annexure -B proves that on 26.08.2013, the second petitioner paid the victim Rs.99,000/- through his bank account. It appears that the story given in the complaint is not the true one. The indication is that the parties had some financial transactions the true nature of which the victim has suppressed. For these reasons, I am inclined to grant the prayer of the petitioners.

In the result, this application is allowed.

- 1)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 if they are arrested by the Police in connection with this case.*
- 2)They shall surrender their passports before the lower court concerned or if they do not have one, they shall file affidavits to that effect within five days of their release.*
- 3)They shall not leave India without the previous permission of the court of enquiry or trial court, as the case may be.*
- 4)They shall appear before the Investigating Officer for interrogation if they are so required*

by him in writing.

5)They shall not intimidate or attempt to influence the witnesses.

6)They shall not destroy or tamper with evidence.

7)They shall not get themselves involved in any other criminal case while they are on bail.

If the petitioners surrender before the Magistrate this order is not applicable and the learned Magistrate may pass appropriate orders.

In case of violation of any of the above conditions, the learned Magistrate is empowered to cancel the bail in accordance with the law.

Sd/-
K. ABRAHAM MATHEW,
JUDGE

DST

//True copy//

P.A. To Judge