

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 15TH DAY OF JANUARY 2015/25TH POUSHA, 1936

Bail Appl..No. 8962 of 2014 ()

CRIME NO. 1259/2014 OF HOSDURG POLICE STATION, KASARGOD DISTRICT

PETITIONERS(ACCUSED 2 & 3):-

- 1. B.BABURAJAN, AGED 62 YEARS,
S/O.LATE AMBU, AMBU NIVAS, CHOTTAKKATTU,
ECHIKKANAM P.O., AMBALATHARA VILLAGE,
HOSDURG TALUK, KASARAGOD DISTRICT.**
- 2. SHYLAJA, W/O.B.BABURAJAN,AGED 52 YEARS,
AMBU NIVAS, CHOTTAKKATTU,ECHIKKANAM P.O.,
AMBALATHARA VILLAGE, HOSDURG TALUK,
KASARAGOD DISTRICT.**

**BY SRI.T.SETHUMADHAVAN,SENIOR ADVOCATE
ADVS. SRI.PUSHPARAJAN KODOTH
SRI.K.JAYESH MOHANKUMAR
SMT.VANDANA MENON**

RESPONDENT :

**STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM,
(CRIME NO.1259/2014 OF HOSDURG POLICE STATION).**

BY PUBLIC PROSECUTOR SRI.V.S.SREEJITH

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 15-01-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

sts

B.KEMAL PASHA, J.

B.A.No.8962 of 2014

Dated this the 15th day of January 2015

ORDER

Petition under Section 438 Cr.P.C.

2. Petitioners are accused Nos.2 and 3 in Crime No.1259/2014 of Hosdurg Police Station registered for the offences punishable under Sections 420 and 506(i) read with Section 34 of the Indian Penal Code.

3. The allegation against the petitioners and the other accused is that, during March 2013, they had obtained an amount of Rs.4,00,000/- from the de-facto complainant by offering a job for her son in U.K. and thereafter, she was terribly defrauded and cheated and, no such employment was provided.

4. Heard the learned counsel for the petitioners and the learned Public Prosecutor.

5. The contents of the C.D. *Prima facie* reveal the complicity of the petitioners. The investigation has a long way to go. Considering the seriousness of the allegations against the petitioners and the present stage of investigation, I am satisfied that this is not a fit case wherein anticipatory bail can be granted to the petitioners.

6. The learned counsel for the petitioners seeks for an opportunity to the petitioners to surrender before the investigating officer and to co-operate with the investigation.

In the result, this bail application is dismissed. At the same time, if so advised, the petitioners may surrender before the investigating officer within ten days from today and in such case, the investigating officer can interrogate the petitioners, effect recovery if any, and conduct the investigation and produce the petitioners without delay before the concerned Judicial First Class Magistrate's Court, where the petitioners can move for bail. In

such case, the learned Magistrate shall pass appropriate orders, preferably on the same day itself, provided advance notice on such application has been given to the Assistant Public Prosecutor also.

Sd/-
B.KEMAL PASHA,
JUDGE

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PA to Judge

