

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE B.KEMAL PASHA**

**WEDNESDAY, THE 7TH DAY OF JANUARY 2015/17TH POUSHA, 1936**

**Bail Appl..No. 9058 of 2014 ()**  
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**CRIME NO. 1559/2014 OF PALARIVATTOM POLICE STATION , ERNAKULAM DISTRICT**  
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**PETITIONER/A-1:**  
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**SHIJU MATHEW, S/O. MATHEW, AGED 30 YEARS,  
ALUMOOTIL HOUSE, PULLAD P.O.,  
PATHANAMTHITTA DIST.**

**BY ADVS.SRI.SUMAN CHAKRAVARTHY  
SMT.BREJITHA UNNIKRISHNAN**

**RESPONDENT:**  
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**THE STATE OF KERALA,  
REP. BY ITS PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA. PIN-682 031**

**BY PUBLIC PROSECUTOR SRI.V.S.SREEJITH**

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION  
ON 07-01-2015, THE COURT ON THE SAME DAY PASSED THE  
FOLLOWING:**

**sts**

**B.KEMAL PASHA, J.**

.....  
B.A. No.9058 OF 2014  
.....

Dated this the 7<sup>th</sup> day of January, 2015

**ORDER**

Petition filed under Section 439 Cr.P.C.

2. Petitioner is the first accused in Crime No.1559 of 2014 of the Palarivattom Police Station registered for the offences punishable under Sections 406 and 420 read with Section 34 of the Indian Penal Code and Sections 10, 16(b) and 24(b) & (f) of the Emigration Act, 1983.

3. The allegation against the petitioner and other accused is that they started an institution named Axiom HR Consultancy Emigration and Migration Service at Edapally without any licence or authorization, for conducting the recruitment of persons for jobs abroad and advertised through Internet and called for applications for jobs to South

Africa, Switzerland, Malaysia etc. They obtained the bio-datas, copies of certificates and the original passports of several such job seekers. The petitioner has been in custody for the period from 01.12.2014 onwards.

4. Heard the learned counsel for the petitioner and the learned Public Prosecutor. Perused the CD.

5. No criminal antecedents have been reported against the petitioner. The investigation of this case is practically over. Custodial interrogation of the petitioner is not required for the continued investigation of this case. The contents of the CD reveal that all the major overt acts are alleged against accused Nos.3 and 4 and they have not yet been arrested. Having regard to the period undergone by the petitioner in custody, the present stage of investigation, and the absence of any criminal antecedents on his part, this court of the view that he can be enlarged on bail on strict conditions.

6. In the result, this Bail Application is allowed and

the petitioner shall be enlarged on bail on his executing a bond for ₹1,00,000/-(Rupees one lakh only) with two solvent sureties for the like sum each to the satisfaction of the concerned Judicial First Class Magistrate's Court, and subject to the following terms and conditions:-

(i) The petitioner shall report before the Investigating Officer in between 9 a.m. and 11 a.m. on all Wednesdays and Saturdays commencing from 14.01.2015 for a period of three months or till the filing of the final report in this case, whichever is earlier.

(ii) The petitioner shall surrender his passport before the court below, and in case he has no passport, he shall file an affidavit to that effect before the court below.

(iii) The petitioner shall not tamper with the evidence or influence witnesses.

(iv) The petitioner shall make himself available for interrogation as and when required by the Investigating Officer.

(v) The petitioner shall not involve in any offence while on bail.

It is made clear that the violation of any of the conditions stipulated above will result in the cancellation of bail.

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**Sd/- B.KEMAL PASHA, JUDGE**

[True copy]

P.S. to Judge