

CRL.O.P.Nos.15987 & 15989 of 2016

S.VAIDYANATHAN, J.

The petitioners in Crl.O.P.No.15987 of 2016, who were arrested and remanded to judicial custody on 23.05.2016 and the petitioner in Crl.O.P.No.15989 of 2016, who was arrested and remanded to judicial custody on 06.06.2016 for the alleged offences punishable under Sections 342, 387, 367 and 371 IPC in Crime No.363 of 2016 on the file of the respondent police, **seek bail.**

2. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl. Side).

3. The petitioners in Crl.O.P.No.15987 of 2016 are arrayed as A5 and A6 and the petitioner in Cr.O.P.No.15989 of 2016 is arrayed as A4. The case of the prosecution is that one Manoj from Bihar is working in the defacto complainant's weaving unit and the said Manoj informed the defacto complainant that his relatives from Bihar came to Kerala for building construction work, but on being dissatisfied with their work at Kerala, they came to Erode to meet Manoj. On 22.05.2016, the said Manoj received a phone call from his relative informing that he along with six other persons are confined in a lodge by A1 and A2 and the accused persons told them that they were sold to the petitioners for Rs.5000/-.

4. Learned counsel for the petitioners in Crl.O.P.No.15987 of 2016 submitted that the the first petitioner is a bore well rig contractor and the second petitioner is a rig machine operator and that the victims in this case are no way connected with bore well rigging profession and only skilled plumbers will be employed by the petitioners in their profession and that the allegations found in the complaint are false and baseless and that they are in custody for more than 60 days. He further submitted that their earlier bail application has been

dismissed by this Court on 17.06.2016 and A3 in this case has been enlarged on bail by this Court.

5. Learned counsel for the petitioner in Crl.O.P.No.15989 of 2016 submitted that the petitioners have been falsely implicated in this case and they have not committed any such offence.

6. Learned Government Advocate (Crl. Side) submitted that the petitioners along with other accused have illegally confined seven victims belonging to other state and attempted to sell them to other accused and hence, opposed for grant of bail to the petitioners.

6. Taking note of the period of incarceration of the petitioners and considering the fact that the co-accused has already been enlarged on bail, **the petitioners are ordered to be released on bail subject to the following conditions:**

(i) Each of the the petitioner shall execute a a bond for a sum of Rs.10,000/- (Rupees ten Thousand Only) with two sureties, each for a like sum to the satisfaction of the Judicial Magistrate No.III, Erode.

(ii) the petitioners shall appear before the respondent police daily at 10.30 a.m. until further Orders.

(iii) the petitioners shall not tamper with the evidence or witness either during investigation or trial;

(iv) the petitioners shall not abscond either during

investigation or trial;

(v) on breach of any of the aforesaid conditions, the Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005) AIR SCW 5560]**.

26.07.2016

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S.VAIDYANATHAN,J.

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