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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **BAIL APPLN. 868/2016**

SEBASTIAN P JOHN

..... Petitioner

Through: Mr. Dileep Poolakkot, Advocate with Mr.
H.V. Hameed, Advocate

versus

CENTRAL BUREAU OF INVESTIGATION Respondent

Through: Mr. Sanjeev Bhandari, SPP

+ **BAIL APPLN. 872/2016**

SEBASTIAN P JOHN

..... Petitioner

Through: Mr. Dileep Poolakkot, Advocate with Mr.
H.V. Hameed, Advocate

versus

CENTRAL BUREAU OF INVESTIGATION Respondent

Through: Mr. Sanjeev Bhandari, SPP

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

ORDER

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01.06.2016

CRL.M.A.6920/2016 (Exemption) in BAIL APPLN.872/2016

Exemption granted subject to all just exceptions.

The application is disposed of accordingly.

BAIL APPLN. Nos.868/2016 & 872/2016

The present applications under Section 439 of the Code of Criminal Procedure, 1973 (Cr.P.C.) seek regular bail in RC No.6(E)/2010/EOU-VI and RC No.7(E)/2010/EOU-VI, registered by the CBI.

As per the prosecution, the applicant in criminal conspiracy with the other co-accused has cheated a large number of persons on the pretext of sending

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By:AMULYA

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them abroad on Nursing job visa and allegedly collected a sum of Rs.2 crores (in aggregate).

The applicant has been in judicial custody since 14.07.2015 in the subject RCs and the charge sheet has since been filed.

The present bail applications are vehemently opposed on behalf of the CBI on the assertion that the applicant has deliberately furnished an incorrect address in Kerala. The bail is also opposed on the following grounds:-

- a) The applicant has been declared as a Proclaimed Offender on 06.05.2009 by the concerned Court;
- b) During the course of trial, the applicant was granted bail on 15.07.2011 but failed to appear before the concerned Court on the next date of hearing and non-bailable warrants ought to be issued;
- c) The applicant was arrested on 02.11.2011, but was granted bail by the Court of Judicial Magistrate, Cochin on 03.11.2011;
- d) However, the applicant jumped bail once again on 14.03.2012 and was declared as a Proclaimed Offender by the concerned Magistrate, by way of order dated 07.01.2014.

The only submission made on behalf of counsel for the applicant in this behalf is that he has been enlarged on bail by the Kerala High Court in all other five cases, which were investigated by the CBI. It was further urged on behalf of the applicant that the latter is available at his permanent residential address in Kerala i.e. Plathottathil House, Kanjikuzhy Via Pazhayarikandam PO, Kanjikuzhi, Pazhayarikandam, Idukki, Kerala-685606. However, a verification report dated 31.05.2016, in relation to the Aadhaar Card No.650622306296, relied upon by the applicant in this behalf, has been handed over in Court today.

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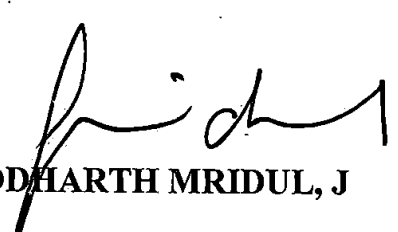
The same is taken on record.

A perusal of the said verification report dated 31.05.2016, authored by the Superintendent of Police, CBI, ACB, Cochin reveals that the structure existing thereupon is in a dilapidated condition and has not been used as a residential accommodation for some time now.

In view of the foregoing, it is axiomatic that the applicant is a flight risk and may not be available to stand trial in the event he is enlarged on regular bail. The applicant has not been able to persuade this Court that there is no possibility of his absconding.

The applications are consequently devoid of merit and is accordingly dismissed.

JUNE 01, 2016
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SIDDHARTH MRIDUL, J