2025:KER:31669

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN

THURSDAY, THE 10TH DAY OF APRIL 2025 / 20TH CHAITHRA, 1947

BAIL APPL. NO. 4187 OF 2025

CRIME NO.256/2025 OF Kongad Police Station, Palakkad

PETITIONER(S):

KRISHNAKUMAR V
AGED 40 YEARS
NALLODE HOUSE, KOTTAYI, MATHUR AGRAHARAM,
PALAKKAD DISTRICT, PIN - 678571

BY ADVS.
NAVANEETH.N.NATH
ABHIRAMI S.
ABDUL LATHEEF P.M.

RESPONDENT(S):

STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,HIGH COURT OF KERALA, PIN - 682031

BY ADV.:

SRI NOUSHAD K A, SR.PP

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 10.04.2025, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

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P.V.KUNHIKRISHNAN, J.

BA No.4187 of 2025

Dated this the 10th day of April, 2025

O R D E R

This bail application is filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023.

2. Petitioner is the accused in Crime No.256/2025 of Kongadu Police Station, Palakkad. The above case is registered against the petitioner alleging offence punishable under Section 318(4) of the Bharatiya Nyaya Sanhita (BNS), 2023.

3. The prosecution case is that the petitioner deceived the defacto complainant and fraudulently collected a sum of Rs.1,35,000/- by making false



promise of job opportunities and visas for Canada and Nigeria. Hence, it is alleged that the accused committed the offence.

4. Heard the learned counsel appearing for the petitioner and the learned Public Prosecutor.

5. When this bail application came up for consideration on 03.04.2025, this Court passed the following order:

> *"The petitioner shall appear before the Investigating Officer on 05.04.2025. The Investigating Officer can interrogate the petitioner. The petitioner shall not be arrested till the next posting date. The Investigating Officer will submit a report before this Court whether custodial interrogation is necessary.*
>
> *Post on 09.04.2025."*

6. Today, when this matter came up for consideration, the Public Prosecutor submitted that the petitioner surrendered before the Investigating Officer and no custodial interrogation is necessary.

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If that be the case, there can be a direction to the petitioner to surrender before the Investigating Officer once again, so that the procedure can be completed. After interrogation, if arrest is recorded, there can be a direction to release the petitioner on bail.

Therefore, this bail application is allowed with the following conditions:

> *1. The petitioner shall appear before the Investigating Officer within two weeks from today and shall undergo interrogation.*
>
> *2. After interrogation, if the Investigating Officer propose to arrest the petitioner, he shall be released on bail on executing a bond for a sum of Rs.50,000/-(Rupees Fifty Thousand only) with two solvent sureties each for the like sum to the satisfaction of the arresting officer concerned.*



3. The petitioner shall appear before the Investigating Officer for interrogation as and when required. The petitioner shall co-operate with the investigation and shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer.

4. Petitioner shall not leave India without permission of the jurisdictional Court.

5. Petitioner shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected.

6. The observations and findings in this



order is only for the purpose of deciding this bail application. The principle laid down by this Court in ***Anzar Azeez v. State of Kerala*** *[2025 SCC OnLine KER 1260] is applicable in this case also.*

7. Needless to mention, it would be well within the powers of the investigating officer to investigate the matter and, if necessary, to effect recoveries on the information, if any, given by the petitioner even while the petitioner is on bail as laid down by the Hon'ble Supreme Court in ***Sushila Aggarwal v. State (NCT of Delhi) and another*** *[2020 (1) KHC 663].*

8. If any of the above conditions are violated by the petitioner, the jurisdictional court can cancel the bail in accordance to law, even though this bail is



granted by this Court. The prosecution and the victim are at liberty to approach the jurisdictional court to cancel the bail, if any of the above conditions are violated.

Sd/-
P.V.KUNHIKRISHNAN
JUDGE

nvj