

Sunilkumar Vs. State of Kerala

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Court : Kerala

Decided On : Nov-04-2013

Judge : Honourable Mr.Justice Thomas P.Joseph

Appellant : Sunilkumar

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE THOMAS P.JOSEPH MONDAY, THE 4TH DAY OF NOVEMBER 2013 13TH KARTHIKA, 1935 Bail Appl..No. 7328 of 2013 ()
----- CRIME NO. 663/2013 OF OTTAPALAM POLICE STATION , PALAKKAD ----- APPLICANTS/ACCUSED NOS.5 & 6:
----- 1. SUNILKUMAR, AGED 39 YEARS, S/O.SUKUMARAN, VENNAKKARA HOUSE, PUTHUPPARIYARAM, PALAKKAD.

2. MANOJ KUMAR, AGED 33 YEARS, S/O.BALAKRISHNAN NAIR, CHEMPULLI HOUSE, KADUKKAMKUNNAM, MALAMPUZHA, PALAKKAD. BY ADV. SRI.V.A.JOHNSON (VARIKKAPPALLIL) RESPONDENT/COMPLAINANT:
----- STATE OF KERALA, REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM - 682 031. BY PUBLIC PROSECUTOR SRI.SREEJITH THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 04/11/2013, ALONG WITH BA.NO.7329/2013 AND CONNECTED CASES THE COURT ON THE SAME DAY PASSED THE

FOLLOWING: PJ THOMAS P. JOSEPH, J.

----- Bail Appl. Nos. 7328, 7329, 7330 & 7331 of 2013
----- Dated this the 4th day of November 2013

ORDER

Petitioners are accused nos. 5 and 6, in Crime Nos. 663 of 2013, 661 of 2013, 662 of 2013 and 660 of 2013 respectively, of the Ottappalam Police station (as the learned Public Prosecutor submits, now being investigated by the CBCID, Palakkad unit), all for the offences punishable under Secs. 420 and 120(B) of the Indian Penal Code. The allegation is that petitioners as promoters of the Cee Vee Global Trade Solutions Forex Trading Company made the defacto complainants believe that the above said establishment is functioning mainly from Dubai that if amount is deposited, the defacto complainants will get high dividends, collected various amounts from the defacto complainants but, cheated them.

2. The order passed by the learned magistrate states that in Crime No. 660 of 2013 the amount involved is Rs. 2,60,000/-, in Crime No. 661 of 2013, it is Bail Appl. Nos. 7328, 7329, 7330 & 7331 of 2013 2 Rs. 1,00,000/-, in Crime No. 662 of 2013, the amount involved is Rs. 7,10,000/- and in Crime No. 663 of 2013 it is Rs. 5,70,000/-.

3. Learned Public Prosecutor has submitted that the petitioners are involved in several other cases as well and that investigation of the case is not completed.

4. Learned counsel submits that the petitioners are only assistants in the above said establishment and they have nothing to do with the affairs of the company.

5. It is seen that the investigation of the cases is not completed. However, I must also take into account the fact that the petitioners are in custody from 01.10.2013 and 04.10.2013. Hence, I am inclined to grant bail but, subject to stringent conditions since grant of bail should not affect the investigation. I must also bear in mind that even when the petitioners are on bail, it is within the power of the investigating officer to summon them for investigation purposes as provided under the Code of Criminal Procedure. Bail Appl. Nos. 7328, 7329, 7330 & 7331 of 2013 3 Resultantly, the applications are allowed as under.

1. Petitioners are granted bail in Crime Nos.663 of 2013, 661 of 2013, 662 of 2013 and 660 of 2013 of the Ottappalam Police station (now being investigated by the CBCID, Palakkad unit) and shall be released (if not required to be detained otherwise) on their executing bond for Rs.30,000/- (Rupees thirty thousand only) each in each case with two sureties each for the like sum each to the satisfaction of the learned magistrate and subject to the following conditions. a) The bail bond shall be executed within three weeks from this day. b) One of the sureties shall be a close relative of any of the petitioners. c) Petitioners shall report to the officer investigating Crime Nos.663 of 2013, 661 of 2013, 662 of 2013 and 660 of 2013 of the Bail Appl. Nos. 7328, 7329, 7330 & 7331 of 2013 4 Ottappalam Police station on every Saturday between 10.00 a.m. and 12.00 p.m. for a period of two months or until filing of the final report, whichever is earlier. d) Petitioners shall report to the investigating officer as and when required for interrogation. e) Petitioners shall co-operate with the investigation of the case. f) Petitioners shall not intimidate or influence the witnesses. g) Petitioners shall not go beyond Palakkad district until otherwise ordered or except with the permission of the learned magistrate. h) Petitioners shall not get involved in any offence during the period of this bail. i) In case any of the above conditions is violated, it is open to the investigating officer to file application before the learned magistrate Bail Appl. Nos. 7328, 7329, 7330 & 7331 of 2013 5 for cancellation of the bail granted hereby, as held in P.K. Shaji V. State of Kerala (AIR 2006 SC100. j) This order granting bail will take effect from 11.11.2013 since the investigation is not completed. Sd/- THOMAS P. JOSEPH
JUDGE NS

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