

Saji Sam vs State of Kerala

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Court : Kerala

Decided On : Feb-03-2022

Judge : Honourable Mr. Justice Gopinath P.

Appeal No. : Bail Appl./412/2022

Appellant : Saji Sam

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE GOPINATH P.
THURSDAY, THE 3RD DAY OF FEBRUARY 2022 / 14TH MAGHA,
1943 BAIL APPL. NO. 412 OF 2022 CRIME NO.1423/2021 OF ADOOR
POLICE STATION, PATHANAMTHITTA DISTRICT
PETITIONER/ACCUSED: SAJI SAM, AGED 56 YEARS, THARAYIL
GARDENS, OMALLOOR P.O.PATHANAMTHITTA DISTRICT, PIN -
689647 BY ADVS. C.S.MANU DILU JOSEPH C.A.ANUPAMAN
T.B.SIVAPRASAD C.Y.VIJAY KUMAR MANJU E.R. ANANDHU
SATHEESH ALINT JOSEPH MIDHUN M.SURESH PAUL JOSE
RESPONDENT: STATE OF KERALA, REPRESENTED BY PUBLIC
PROSECUTOR,HIGH COURT OF KERALA ERNAKULAM, PIN -
682031 BY ADV PUBLIC PROSECUTOR

OTHER PRESENT: ADV ASHI-PP THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 03.02.2022, ALONG WITH Bail Appl..844/2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: ..2..

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE GOPINATH P. THURSDAY, THE 3RD DAY OF FEBRUARY 2022 / 14TH MAGHA, 1943 BAIL APPL. NO. 844 OF 2022 CRIME NO.1423/2021 OF PATHANAMTHITTA POLICE STATION, PATHANAMTHITTA DISTRICT PETITIONER/ACCUSED: SAJI SAM, AGED 56 YEARS THARAYIL GARDENS, OMALLOOR P.O. PATHANAMTHITTA, PIN - 689647 BY ADVS. C.S.MANU DILU JOSEPH C.A.ANUPAMAN MANJU E.R. RESPONDENT: STATE OF KERALA, REPRESENTED BY PUBLIC PROSECUTOR,HIGH COURT OF KERALA ERNAKULAM, PIN - 682031 BY ADV PUBLIC PROSECUTOR THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 03.02.2022, ALONG WITH Bail Appl..412/2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: ..3..

ORDER

These are applications for regular bail.

2. The petitioner in both these cases is one and the same person. BA

No. 412 of 2022 relates to Crime No. 1423 of 2021 of Adoor Police Station, Pathanamthitta District, while BA No. 844 of 2022 relates to Crime No. 1773 of 2021 of Pathanamthitta police station.

3. The allegations against the petitioner in both the cases are

practically one and the same. It is stated that illegally and with an intention to cheat the de facto complainants in these cases, the petitioner accepted deposits promising high interest returns and thereafter, failed to return the amounts.

4. The learned counsel for the petitioner submits that the petitioner is

accused in as many as 287 cases and that his arrest was recorded initially on 16.06.2021. It is submitted that in the series of cases that were filed against him, arrest was recorded on different dates. It is submitted that in all except three cases (including the two, which are now being disposed of), the petitioner has obtained statutory bail. It is submitted that in respect of Crime No. 1423 of 2021 corresponding to BA No.412 of 2022, the petitioner is entitled to statutory bail as on date. It is further submitted that in respect of ..4.. Crime No. 1773 of 2021 corresponding to BA No. 844 of 2022, the arrest of the petitioner was recorded on 05.01.2022 and he has been in custody in that case for 29 days. According to the learned counsel appearing for the petitioner, considering the long incarceration of the petitioner from 16.06.2021 onwards (though it relates to different cases) the petitioner may be directed to be released on bail as his further detention is not necessary for the purpose of any investigation.

5. The learned Public Prosecutor vehemently opposes grant of bail. It

is submitted that the petitioner had carried out a series of frauds and huge amounts of money were siphoned off. It is also submitted that large number of depositors lost their hard earned money owing to the fraud committed by the petitioner. It is further submitted that the petitioner is not entitled to be released on bail.

6. Having regard to the facts and circumstances of the case and

considering the fact that, though in relation to different cases, the petitioner has been in custody from 16.06.2021 onwards, I am of the view that the petitioner can be granted bail in these cases. In respect of BA No. 412 of 2022, at any rate, the petitioner is entitled to statutory bail as on date. In the result, these bail applications are allowed and it is directed ..5.. that the petitioner shall be released on bail in each of these cases subject to the following conditions:

(a) The petitioner shall execute separate bonds in each case 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 jurisdictional court;

(b) Petitioner shall appear before the investigating officer in Crime No. 1773 of 2021 of Pathanamthitta Police Station, Pathanamthitta District, every Saturday at 11.00 am till the filing of final report;

(c) The petitioner shall not attempt to interfere with the

investigation or to influence or intimidate the victims or any witness in Crime No. 1773 of 2021 of Pathanamthitta Police Station, Pathanamthitta District and in Crime No. 1423 of 2021 of Adoor Police Station, Pathanamthitta District; (d) The petitioner shall surrender his passport before the jurisdictional court. If the petitioner does not have a passport, he shall execute an affidavit to that effect and file the same before the jurisdictional court within seven days of release on bail; ..6..

(e) The petitioner shall not involve in any other crime while on

bail. If any of the aforesaid conditions is violated, the investigating officer in Crime No. 1773 of 2021 of Pathanamthitta Police Station, Pathanamthitta District and in Crime No. 1423 of 2021 of Adoor Police Station, Pathanamthitta District, may file an application before the jurisdictional court for cancellation of bail.

Sd/- GOPINATH P. JUDGE bka/03.02.2022

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