

Ummer.K.P vs State of Kerala

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Court : Kerala

Decided On : Jun-23-2022

Judge : Honourable Mrs. Justice Sophy Thomas

Appeal No. : Bail Appl./567/2022

Appellant : Ummer.K.P

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MRS. JUSTICE SOPHY THOMAS
THURSDAY, THE 23RD DAY OF JUNE 2022 / 2ND ASHADHA, 1944
BAIL APPL. NO. 567 OF 2022 CRIME NO.932 OF 2021 OF
CHELAKKARA POLICE STATION, THRISSUR
PETITIONER/ACCUSED: UMMER K.P., AGED 37 YEARS, SON OF
K.P.BEERAN, KARIKKUMPURATH HOUSE, MANALAYA POST,
ANAMANGAD VIA, PERINTHALMANNA, MALAPPURAM DISTRICT.
MALAPPURAM, PIN - 679357. BY ADV DENIZEN KOMATH
RESPONDENTS: 1 STATE OF KERALA, REPRESENTED BY PUBLIC
PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM, PIN -
682031. 2 THE STATION HOUSE OFFICER CHELAKKARA POLICE

STATION, THRISSUR, PIN - 680586. MAYA M N, PUBLIC PROSECUTOR THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 23.06.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: BAIL APPL. NO. 567 OF 2022 2

ORDER

This is an application for anticipatory bail under Section 438 of the Cr.P.C.

2. The petitioner herein is the 2nd accused in Crime

No.932 of 2021 of Chelakkara Police Station, Thrissur, registered under Sections 406 and 420 read with Section 34 of the IPC and Section 10 read with Section 24 of the Emigration Act.

3. The prosecution case is that the petitioner along with

the 1st accused, promising to arrange Visa through a firm by name 'Rahanas Travels', received Rs.40,000/- from the de facto complainant on 27.02.2021. They neither arranged Visa nor returned the amount and accordingly, they committed the above offences.

4. The learned Public Prosecutor vehemently opposed the

petition stating that the petitioner and the 1st accused cheated so many job aspirants promising foreign Visa and collected amounts from them. They neither arranged Visa nor returned the amount. BAIL APPL. NO. 567 OF 2022 3

5. Now the point to be considered is whether the petitioner is entitled to get anticipatory bail.

6. The report of the investigating officer shows that the

petitioner and the 1st accused were actively involved in the offence and Rs.35 Lakh collected from job aspirants were transferred into the account of the petitioner, who was running a travel agency by name LE-QUICK in Palakkad District. He is involved in 12 other crimes also of similar nature.

7. Adv.Denizen Komath, the learned counsel appearing for the petitioner submitted that actually the petitioner had no role and only on the basis of the confession statement of the 1 st accused, he was implicated.

8. The report of the investigating officer will show the active involvement of the petitioner in the offences alleged and Rs.35 Lakh was seen transferred into his account from the

alleged transactions. Since he is involved in 12 other crimes also and the investigation is in progress in all the cases, if he is released on pre-arrest bail, it may adversely affect the investigation process. The investigating officer has reported that the custodial interrogation of the petitioner is essential for BAIL APPL. NO. 567 OF 2022 4 completing the investigative procedure in all the crimes registered against him. Considering the nature of the offence and involvement of the petitioner in so many other crimes also of similar nature, this Court is not inclined to release him on anticipatory bail. Hence, this bail application is dismissed. Learned counsel for the petitioner submitted that the petitioner is ready to surrender before the investigating officer and to cooperate with the investigation. The petitioner is at liberty to surrender before the investigating officer on or before 30.06.2022, if he is advised to do so. In case of arrest, as far as possible, the investigating officer shall produce the accused before the jurisdictional Magistrate on the date of arrest itself. Sd/- SOPHY THOMAS, JUDGE DSV/23.06.2022

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