

Norman vs State of Kerala

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Court : Kerala

Decided On : Oct-19-2022

Judge : Honourable Mr.Justice Viju Abraham

Appeal No. : Bail Appl./7992/2022

Appellant : Norman

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE VIJU ABRAHAM
WEDNESDAY, THE 19TH DAY OF OCTOBER 2022 / 27TH ASWINA,
1944 BAIL APPL. NO. 7992 OF 2022 AGAINST THE
ORDER/JUDGMENTCMP 2900/2022 OF JUDICIAL MAGISTRATE OF
FIRST CLASS -II, KOLLAM CRIME NO.868/2022 OF KOLLAM EAST
POLICESTATION, KOLLAM PETITIONERS/ACCUSED NOS.15 & 16: 1
NORMAN,AGED 22 YEARS, S/O.JERALD DOOR NO. 5/118,
ANNAMALAILHOTTAM, ACHARN PATTI VILLAGE, TAMILNADU., PIN -
620015 2 MARIYA AMALNADH,AGED 32 YEARS S/O. SATHYANADH ,
DOOR NO. 4/93, WEST STREET, GABRIELPURAM VILLAGE,
TAMILNADU., PIN - 621218 BY ADV RAJ CAROLIN V.

RESPONDENT/COMPLAINANT: STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM - 682031 BY PUBLIC PROSECUTOR SRI.M.C.ASHI THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 19.10.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: BA No.7992 of 2022 2

VIJU ABRAHAM, J.

B.A.No.7992 of 2022 Dated this the 19th day of October, 2022

ORDER

This is an application for regular bail.

2. The petitioners are arrayed as accused Nos.15 and 16 in

Crime No.868 of 2022 of the Kollam East Police Station, Kollam District registered alleging commission of offences punishable under Section 511 of 370 read with Section 34 of the Indian Penal Code and Sections 14A, 14(b), 14B and 14C of Foreigners Act, 1946.

3. The prosecution allegation is that with an intention to obtain

unlawful gain after obtaining money the accused persons attempted to transport unlawfully the Srilankan refugees to various foreign countries by boat and thus the accused have committed the abovesaid offences.

4. Petitioners submitted that they are in custody from

06.09.2022 onwards. They further submits that their custody was also given to police and therefore their further detention is not required for the purpose of investigation. Petitioners submits that they have no role in the alleged commission of the crime. Even though the petitioners moved an application for bail before the Sessions Court, Kollam, the same was rejected as per Annexure-A4 order.

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5. Learned Public Prosecutor opposed the application for bail.

Learned Public Prosecutor upon instruction submitted that the 17th accused has made arrangements for unlawful transporting of Srilankan refugees to foreign countries by boat and the role attributed to the petitioners is to assist him in the commission of offence by promising job in Canada and collected money from the refugees. Learned Public Prosecutor further submitted that the petitioners/accused Nos.15 and 16 are from Tamil Nadu and if they are released on bail, their presence cannot be secured at the time of trial. To this the learned counsel for the petitioners submits that they are ready and willing to furnish local sureties.

Considering the facts and circumstances of the case and

also taking into consideration the fact that petitioners are in custody from 06.09.2022 onwards, I am inclined to grant bail to the petitioners, but only on stringent conditions. In the result, the bail application is allowed. It is directed that the petitioners shall be released on bail subject to the following conditions:

(i) The petitioners shall execute a bond for Rs.50,000/-

(Rupees fifty thousand only) each with two solvent sureties each for the like sum to the satisfaction of the jurisdictional court. The sureties shall be natives of State of Kerala.

(ii) They shall appear before the investigating officer in Crime BA No.7992 of 2022 4 No.868 of 2022 of the Kollam East Police Station, Kollam District on all Saturdays at 11.00 a.m. until filing of final report.

(iii) They shall not leave Kollam District without getting prior permission from the jurisdictional court.

(iv) They shall surrender their passport before the jurisdictional

court. If the petitioners do not have a passport, they shall execute an affidavit to that effect and file the same before the said court within seven days of release on bail

(v) They shall not attempt to interfere with the investigation or to influence any witness in the abovesaid crime.

(vi) They shall not involve in any other crime while on bail. If any of the aforesaid conditions are violated, the

investigating officer in Crime No.868 of 2022 of the Kollam East Police Station, Kollam District may file an application before the jurisdictional court, for cancellation of bail. Sd/- VIJU ABRAHAM JUDGE cks

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