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Hamras.K.S, Vs STATE OF KEState of Kerala, Represented by the Public Prosecutor, High Court of Kerala, ErnakulRAL

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Court : Kerala

Decided On : Apr-07-2021

Judge : Honourable Mr. Justice Bechu Kurian Thomas

Appeal No. : Bail Appl./7494/2020

Appellant : Hamras.K.S,

Respondent : STATE OF KEState of Kerala, Represented by the Public Prosecutor, High Court of Kerala, ErnakulRAL

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS WEDNESDAY, THE 07TH DAY OF APRIL 2021 / 17TH CHAITHRA, 1943 Bail Appl..No.7494 OF 2020 CRIME NO.368/2019 OF Thrikkakara Police Station , Ernakulam PETITIONER/ACCUSED: HAMRAS.K.S, AGED 24 YEARS, M/S. R.O. MUHAMMEDSHEMEEM & CO., ADVOCATES DOOR NO. 40/1688-A, CHOOLACKAL BUILDING, CONVENT JUNCTION, ERNAKULAM - 682011 BY ADVS. SRI.R.O.MUHAMED SHEMEEM SRI.B.RAMAN PILLAI (SR.)

RESPONDENT:

1 STATE OF KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM 682031 *2 SHERIEF MEERA SAHIB AGED 45 YEARS, S/O. MEERA SAHIB, KADAPURAYIDAM, KANNANALLUR BHAGAM, KANNANALLUR (PO), THRIKKOVILVATTOM VILLAGE KOLLAM DISTRICT. , PIN - 691576. *(ADDL.R2 IS IMPLEADED AS PER ORDER DATED *3 SHEHJA S., AGED 20 YEARS, S/O.SHERIEF MEERA SAHIB, KADAPURAYIDAM, KANNANALLUR BHAGAM, KANNANALLUR (PO), THRIKKOVILVATTOM VILLAGE,

B.A. No.7494/20 -:2:- KOLLAM DISTRICT., PIN - 691576. *(ADDL R3 IS IMPLEADED AS PER THE ORDER DATED 25.2.2021 IN CRL.M.A.NO.1/2021). BY SMT.SREEJA V., PUBLIC PROSECUTOR THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 07.04.2021, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: B.A. No.7494/20 -:3:-

ORDER

Dated this the 7th day of April, 2021 Petitioner is the 1st accused in Crime No.368 of 2019 of Thrikkakara Police Station, presently transferred to the Crime Branch, Ernakulam, for investigation. The petitioner is alleged to have committed offences punishable under Sections 406 and 420 read with Section 34 IPC.

2. Prosecution case is that the petitioner had made an

advertisement in his face book page offering to arrange MBBS admission and that the de facto complainant induced by the said advertisement had contacted the petitioner for a seat for his daughter at Al Azher Medical College, Thodupuzha for the MBBS course. The further case of the prosecution is that the 3 rd accused received an amount of Rs.15,00,000/- from the de facto complainant and another sum of Rs.5,00,000/- by the 5 th accused, as allegedly instructed by the petitioner and thereafter cheated the de facto complainant.

3. By order dated 10.11.2020, this Court had directed that the petitioner shall not be arrested without a notice under Section 41A B.A. No.7494/20 -:4:- Cr.P.C.

4. The learned Public Prosecutor, who opposed the

application, submits that the money paid by the de facto complainant had been received by the accused Nos.3 and 5 and that the petitioner had not received any amount .

5. Taking into consideration the entire factual situation, I am inclined to allow the application.

6. In the result, this application is allowed, but subject to the following conditions:

> i. It is directed that in the event of the arrest of the petitioner in connection with Crime No.368 of 2019 of Thrikkakara Police Station, he shall be released on bail on his executing a bond for Rs.1,00,000/- (Rupees One lakh only) with two solvent sureties each for the like sum to the satisfaction of the officer effecting the arrest. ii. The petitioner shall report before the investigating officer between 10 a.m. and 12.30 p.m. every first Saturday for three months or till the final report is filed, whichever is earlier.

B.A. No.7494/20 -:5:-

> iii. The petitioner 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. iv. The petitioner shall not commit any similar offence while on bail. v. The petitioner shall not leave India without the previous permission of the jurisdictional Magistrate. vi. Petitioner shall make themselves available for interrogation as and when required by the investigating officer. vii. In case of violation of any of the above conditions, the court concerned, on being noticed of that fact, will be empowered to cancel the bail. Sd/- BECHU KURIAN THOMAS JUDGE

vps B.A. No.7494/20 -:6:- Addendum Dated 15.4.2021 The following changes are made in condition No.(i) in paragraph 6. Crime No.368 of 2019 of Thrikkakara Police Station shall be read as Crime No.368 of 2019 of Thrikkakara Police Station now transferred to the Crime Branch, Ernakulam,' . Sd/- BECHU KURIAN THOMAS JUDGE vps

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