

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE GOPINATH P.

FRIDAY, THE 8TH DAY OF APRIL 2022 / 18TH CHAITHRA, 1944

BAIL APPL. NO. 2385 OF 2022

CRIME NO.143 OF 2022 OF ALAKODE POLICE STATION, KANNUR

PETITIONER/ACCUSED NO.1:

SANTHOSH JOSEPH, AGED 49 YEARS
SON OF JOSEPH, PUTHENPURACKAL HOUSE, VENNALA VILLAGE,
VENNALAPPARA ROAD, PIN - 682028

BY ADVS.
C.P.UDAYABHANU
NAVANEETH.N.NATH

RESPONDENTS/COMPLAINANT:

- 1 STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
PIN - 682031
- 2 SUB INSPECTOR OF POLICE
ALAKODE POLICE STATION, KANNUR, PIN - 670571

BY ADV PUBLIC PROSECUTOR

OTHER PRESENT:

SRI. T.R. RANJITH (SR.PP)

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 08.04.2022,
ALONG WITH Bail Appl..2612/2022, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE GOPINATH P.

FRIDAY, THE 8TH DAY OF APRIL 2022 / 18TH CHAITHRA, 1944

BAIL APPL. NO. 2612 OF 2022

CRIME NO.113 OF 2022 OF PUTHENCROUZ POLICE STATION, ERNAKULAM

PETITIONER/2ND ACCUSED:

SANTHOSH JOSEPH,
AGED 49 YEARS,
S/O.JOSEPH, PUTHENPURACKAL HOUSE, PANATHUR VILLAGE,
PANATHUR KARA, SULLIA ROAD, HOSDURG TALUK, KASARGOD
DISTRICT NOW RESIDING AT PUTHENPURACKAL HOUSE, VENNALA
VILLAGE, VENNALA KARA, VENNALAPPARA ROAD, PIN - 682028

BY ADVS.
C.P.UDAYABHANU
NAVANEETH.N.NATH

RESPONDENTS/COMPLAINANT:

- 1 STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF
KERALA, PIN - 682031
- 2 SUB INSPECTOR OF POLICE
PUTHENCROUZ POLICE STATION, ERNAKULAM, PIN - 682308

BY SRI.M.C. ASHI- PUBLIC PROSECUTOR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
08.04.2022, ALONG WITH Bail Appl..2385/2022, THE COURT ON THE
SAME DAY DELIVERED THE FOLLOWING:

ORDER**[Bail Appl. Nos.2385/2022, 2612/2022]**

These are applications for regular bail.

2. The petitioner is the 1st accused in Crime No.113/2022 of Puthencruz Police Station, Ernakulam District and also the 2nd accused in Crime No.143/2022 of Alakode Police Station, Kannur District, alleging commission of offences under Sections 406, 420 r/w. Section 34 and Section 420 r/w. Section 34 of the Indian Penal Code, respectively.

3. The allegation against the petitioner essentially in both the cases is that, after collecting money from the *de facto* complainants in these cases, promising them job visa in a foreign country, the petitioner defrauded the *de facto* complainants by not providing visa as promised and by not returning the money collected from them.

4. The learned counsel for the petitioner in these cases would submit that the petitioner is absolutely innocent in the matter. It is submitted that the petitioner had not promised the grant of visa, but had only helped in processing the visa. It is submitted that the petitioner had only collected charges for the same and had not collected any amount over and above that. It is submitted that the grant of visa is dependent on the policies of the respective countries and the petitioner is not in a position to guarantee the issue of visa. It is submitted that the transaction was *bona fide*. It is submitted that the petitioner has been in custody from 5.3.2022 in Crime No.113/2022 of Puthencruz Police Station and that his arrest was recorded in Crime No.143/2022 of Alakode Police Station on

17.3.2022. It is submitted that the continued detention of the petitioner is not necessary for the purposes of any investigation.

5. Heard the learned Public Prosecutor also.

6. The learned Public Prosecutor opposes the grant of bail. It is submitted that the petitioner had clearly cheated the *de facto* complainants in these cases by promising a job visa in a Foreign Country. It is submitted that the petitioner is clearly guilty of the offences alleged against him. It is submitted that there are several other complaints registered against the petitioner alleging commission of similar offences. It is submitted that Crime No.143/2022 of Alakode Police Station, Kannur District has already been chargesheeted.

7. Having regard to the facts and circumstances of the case and considering the nature of the allegations against the petitioner, I am of the view that the petitioner can be granted bail subject to conditions. I note that the continued detention of the petitioner is not necessary for the purposes of any investigation as he had already been in custody from 5.3.2022 and as Crime No.143/2022 has already been chargesheeted.

8. In the result, both the bail applications (B.A.Nos.2612/2022 & 2385/2022) are allowed. It is directed that the petitioner shall be released on bail, subject to the following conditions:-

- (i) The petitioner shall execute separate bonds for sums of Rs.50,000/- (Rupees fifty thousand only) in each crime (Crime Nos.113/2022 of Puthencruz Police Station, Ernakulam District & 143/2022 of Alakode Police Station, Kannur District) with two solvent sureties each for the like

sum to the satisfaction of the jurisdictional Court;

- (ii) The Petitioner shall report before the Investigating officer in Crime No.113/2022 of Puthencruz Police Station and Crime No.143/2022 of Alakode Police Station as and when called upon to do so;
- (iii) The petitioner shall not attempt to interfere with the investigation in Crime No.113/2020. The petitioner shall also not attempt to influence or intimidate the *de facto* complainants or any witness in Crime Nos. 113/2022 of Puthencruz Police Station and 143/2022 of Alakode Police Station;
- (iv) The petitioner shall not involve in any other crime while on bail.

If any of the aforesaid conditions are violated, the Investigating officer in Crime Nos. 113/2022 of Puthencruz Police Station, Ernakulam District and 143/2022 of Alakode Police Station, may file an application before the jurisdictional Court for cancellation of bail.

sd/-

**GOPINATH P.
JUDGE**

acd

APPENDIX OF BAIL APPL. 2612/2022

PETITIONER ANNEXURES

Annexure1

ORDER IN CRL. M.C. 603/2022 DATED
24.03.2022 PASSED BY THE HON'BLE SESSIONS
COURT, ERNAKULAM

APPENDIX OF BAIL APPL. 2385/2022

PETITIONER ANNEXURES

Annexure1 ORDER IN CRL. M.P.1525/2022 DATED
18.03.2022 PASSED BY THE HON'BLE JFCM
COURT, THALIPPARMBA