

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE MOHAMMED NIAS C.P.

MONDAY, THE 16<sup>TH</sup> DAY OF OCTOBER 2023 / 24TH ASWINA, 1945

BAIL APPL. NO. 8740 OF 2023

CRIME NO.1169/2023 OF Kilikolloor Police Station, Kollam

PETITIONER/ACCUSED NO.1:

MARHABATH, AGED 34 YEARS

D/O NAZEEMA, BISMILIAH, PALLIPURAM VILLAGE,  
PACHIRA, THIRUVANANTHAPURAM., PIN - 695584

BY ADVS.

M.HEMALATHA

A.RAHIM

RESPONDENT/COMPLAINANT & STATE:

- 1 STATE OF KERALA  
REPRESENTED BY PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA, PIN - 682031
- 2 SUB INSPECTOR OF POLICE  
KILIKOLLOOR POLICE STATION,  
KILIKOLLOOR, KOLLAM, PIN - 691004  
  
SRI.P.G.MANU (MAMMALASSERY) SR.PP

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON  
16.10.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**MOHAMMED NIAS C.P.J**

BA No.8740 of 2023

Dated this the 16<sup>th</sup> day of October, 2023

**ORDER**

Apprehending arrest in Crime No.1169/2023 of Kilikolloor police station, Kollam, registered for offences under Sections 409, 406 & 420 of the Indian Penal Code, the accused has filed this petition.

2. The prosecution allegation is that, with dishonest intention of making unlawful gain by cheating the defacto complainant and his two friends, A3 introduced his relative Rafeeq as 'Sajeev' employed in Dubai and promised to arrange a scaffolding job in an oil rig in Dubai and dishonestly induced the defacto complainant and his friends to deliver an amount of Rs,2,01,000/- to the account of the accused. The accused failed to arrange a job as promised and thus cheated the defacto complainant and his friends, thereby committing the above-said offences.

3. The learned counsel appearing for the petitioner and the learned Public Prosecutor were heard.

4. On hearing the learned counsel on either side and considering the allegation against the petitioner that the amount was taken promising a job in Dubai and also the materials, prima facie showing the involvement, I do not think this is a fit case to grant anticipatory bail to the petitioner.

Therefore, the following directions are issued:-

In the event the petitioner surrenders before the Investigating Officer in two weeks, he shall be interrogated and thereafter, shall be produced before the Magistrate having jurisdiction on the date of surrender itself. If the petitioner moves for bail, the court below shall, untrammelled by any of the observations in this order, consider the bail applications on merit as expeditiously as possible. If the petitioner does not surrender before the Investigating Officer, as directed above, the Investigating Officer will be free to arrest the petitioner as if no order has been passed in this case. The bail application is disposed of as above.

Sd/-

**MOHAMMED NIAS C.P.**

**JUDGE**

dlk 16.10.2023

**APPENDIX OF BAIL APPL. 8740/2023**

PETITIONER'S ANNEXURES

Annexure-1                      A CERTIFIED COPY OF THE ORDER DATED 16-09-2023 IN CRIMINAL M. C. NO. 1945 OF 2023 OF THE PRINCIPAL SESSIONS COURT, KOLLAM