

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE MOHAMMED NIAS C.P.

WEDNESDAY, THE 29TH DAY OF NOVEMBER 2023 / 8TH AGRAHAYANA, 1945

BAIL APPL. NO. 9642 OF 2023

CRIME NO.1050/2023 OF CANTONMENT POLICE STATION,

THIRUVANANTHAPURAM

PETITIONER/ACCUSED NO.3:

RAEES M.K, AGED 29 YEARS
SON OF ABDUL RAHMAN KUTTY,
MELEKURUPARUKANDI HOUSE,
UNNIKULAM VILLAGE EKAROO P.O.,
VALIYOTH, THAMARASSERRY,
CALICUT DISTRICT, PIN - 673574

BY ADVS.
C.C.ANOOP
ANOOJ K SUDHARMAN
VISHNU NARAYANAN
RAHUL GOVIND

RESPONDENT/COMPLAINANT & STATE:

- 1 STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, PIN - 682031
- 2 THE STATION HOUSE OFFICER
CANTONMENT POLICE STATION,
THIRUVANANTHAPURAM DISTRICT, PIN - 695001

SRI.M.C.ASHI, PP

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
27.11.2023, ALONG WITH Bail Appl..9777/2023, THE COURT ON
29.11.2023 DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE MOHAMMED NIAS C.P.

WEDNESDAY, THE 29TH DAY OF NOVEMBER 2023 / 8TH AGRAHAYANA, 1945

BAIL APPL. NO. 9777 OF 2023

CRIME NO.1050/2023 OF CANTONMENT POLICE STATION,

THIRUVANANTHAPURAM

PETITIONER/ACCUSED:

MUHAMMED ABDUL BASITH, AGED 27 YEARS
S/O ABOOBACKER, KOORIMANNILPATTEEL,
KADAMBODU DESOM, 7TH WARD,
PANTHALLOOR VILLAGE, ERANAD TALUK,
MALAPPURAM DISTRICT, PIN - 676521

BY ADVS.
S.RAJEEV
PRERITH PHILIP JOSEPH
V.VINAY
M.S.ANEER
SARATH K.P.
ANILKUMAR C.R.
K.S.KIRAN KRISHNAN

RESPONDENT/COMPLAINANT & STATE :

STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, PIN - 682031

SMT.T.V.NEEMA, SR.PP

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
27.11.2023, ALONG WITH Bail Appl..9642/2023, THE COURT ON
29.11.2023 DELIVERED THE FOLLOWING:

MOHAMMED NIAS C.P.J

.....

BA Nos. 9642 & 9777 of 2023

.....

Dated this the 29th day of November, 2023**ORDER**

BA No.9642/2023 is filed by the third accused while the 4th accused has filed BA No.9777/2023 in Crime No.1050/2023 of Cantonment Police Station, Thiruvananthapuram district, seeking regular bail for having allegedly committed the offences under Sections 419, 420, 465, 468, 471 and 120 B r/w Section 34 of the Indian Penal Code and section 66D of the Information Technology Act.

2. The prosecution case is that the accused, four in number, conspired together, and as part of the conspiracy, approached the victim by promising a job to his relative in Ayush Mission as a Homeo Medical Officer and obtained substantial amounts from him and cheated him, and thereby committed the above offences.

3. I heard the learned counsel for the petitioners, and the learned public prosecutor was heard.

4. Learned counsel appearing for the third accused argues that the petitioner is a lawyer by profession, has no acquaintance with the victim, and is unaware of the alleged transactions. He also argued that the mobile phone belonging to the first accused, containing a fake ID, was being used by the petitioner and the first accused was a habitual offender. It is argued that the third accused has no criminal antecedents and that he is prepared to abide by any conditions imposed by this Court.

5. Learned counsel appearing for the 4th accused submits that he has no role in the complaint, as evident from Haridas's original complaint. It is also pointed out that the only role alleged is that he has introduced the defacto complainant to the other accused.

6. The Learned Public Prosecutor opposing the bail applications has filed statements. As regards the third accused, it is pointed out that he had created a fake e-mail ID using two phone numbers that belonged to him and that his bank account statement showed he had collected an amount of Rs.25,000/- from one Abhijith, who is a relative of the victim Haridas. It is also pointed out that it was the 4th accused who approached the victim and made him believe that he had influence in the Health Ministry and promised that he had arranged a job for his daughter-in-law in Ayush Mission as a Homoeo Medical Officer. He had also demanded Rs.15,00,000/- and as such, Rs.25,000/- was transferred to the account of the first accused as advance and thereafter, on 12.4.2023, the accused

persons created a forged ID of the Government Organization by using the mobile phone of the third accused and an appointment letter was issued to the email of Nidhi Raj. On the next day, as per the demand of the 4th accused, Dr Nidhi Raj transferred Rs.50,000/- to the account of the second accused on 13.4.2023. For this purpose, the 4th accused also obtained Rs.1,00,000/- from the victim, Haridas, in the name of defacto complainant Akhil Mathew. It is also pointed out that the petitioners have other criminal antecedents reported against them.

7. Having considered the rival submissions and perusing the available records, it is clear that all the accused had conspired together and had taken money, forged, and created a fake e-mail ID in the name of the Government issued a fake appointment letter. The charge against the 4th accused is that he was the person who introduced the victim to the other accused and promised him a job. It is also to be noted that the second accused has not been arrested so far. Under the said circumstances, since the investigation is going on, the release of the petitioners at this point in time would certainly derail the investigation.

Accordingly, the bail applications are dismissed.

Sd/-

MOHAMMED NIAS C.P.

JUDGE

dlk 28.11.2023

BA Nos. 9642 & 9777 of 2023

APPENDIX OF BAIL APPL. 9777/2023

PETITIONER'S ANNEXURES

Annexure-I	A COPY OF THE FIR IN CRIME NO 1050/2023 OF CANTONMENT POLICE STATION, THIRUVANANTHAPURAM
Annexure-II	AN ACCUSED COPY OF THE ORDER PASSED BY THE JUDICIAL FIRST-CLASS MAGISTRATE-III, THIRUVANANTHAPURAM AS CMP NO 4853/2023 DATED 19.10.2023

BA Nos. 9642 & 9777 of 2023

APPENDIX OF BAIL APPL. 9642/2023

PETITIONER'S ANNEXURES

- | | |
|-------------|--|
| Annexure A1 | THE TRUE COPY OF THE FIRST INFORMATION REPORT
IN CRIME NO. 1050/2023 OF CANTONMENT POLICE
STATION, THIRUVANANTHAPURAM DISTRICT |
| Annexure A2 | THE TRUE COPY OF THE REMAND REPORT DATED
4.10.2023 IN CRIME NO. 1050/2023 OF
CANTONMENT POLICE STATION, THIRUVANANTHAPURAM
DISTRICT |
| Annexure A3 | THE TRUE FREE COPY OF THE ORDER DATED
27.10.2023 IN CRL.M.C. NO. 2825/2023 IN CRIME
NO. 1050/2023 OF CANTONMENT POLICE STATION,
PASSED BY THE COURT OF THE SESSIONS JUDGE,
THIRUVANATHAPURAM |