

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN

TUESDAY, THE 16TH DAY OF APRIL 2024 / 27TH CHAITHRA, 1946

BAIL APPL. NO. 3222 OF 2024

CRIME NO.429/2024 OF Ernakulam South Police Station, Ernakulam

PETITIONER/S:

UNNIMAYA

AGED 29 YEARS

KANIYATH HOUSE, KAITHARAM P.O, NORTH PARAVOOR,
ERNAKULAM DISTRICT, PIN - 683519

BY ADV V.VISAL AJAYAN

RESPONDENT/S:

STATE OF KERALA

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

SRI.M.P.PRASHANTH M.P

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
16.04.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN

TUESDAY, THE 16TH DAY OF APRIL 2024 / 27TH CHAITHRA, 1946

BAIL APPL. NO. 3224 OF 2024

CRIME NO.430/2024 OF Ernakulam South Police Station, Ernakulam

PETITIONER/S:

UNNIMAYA

AGED 29 YEARS

KANIYATH HOUSE, KAITHARAM P.O, NORTH PARAVOOR,
ERNAKULAM DISTRICT, PIN - 683519

BY ADV V.VISAL AJAYAN

RESPONDENT/S:

STATE OF KERALA

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

SRI.M.P.PRASHANTH, PP

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
16.04.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN

TUESDAY, THE 16TH DAY OF APRIL 2024 / 27TH CHAITHRA, 1946

BAIL APPL. NO. 3226 OF 2024

CRIME NO.2220/2023 OF Ernakulam South Police Station, Ernakulam

PETITIONER/S:

UNNIMAYA

AGED 29 YEARS

KANIYATH HOUSE, KAITHARAM P.O, NORTH PARAVOOR,
ERNAKULAM DISTRICT, PIN - 683519

BY ADV V.VISAL AJAYAN

RESPONDENT/S:

STATE OF KERALA

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

SRI.M.P.PRASHANTH, PP

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
16.04.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

P.V.KUNHIKRISHNAN, J

B.A. Nos.3222, 3224 & 3226 of 2024

Dated this the 16th day of April, 2024

O R D E R

These Bail Applications are filed under Section 439 of Criminal Procedure Code .

2. The 2nd accused in Crime Nos. 429/24, 430/24 and 2220/23 of Ernakulam South Police Station is the petitioner in these bail applications. The allegation against the petitioner in these bail applications is that she and the other accused are running a travel agency named Sirra international. The petitioner and the other accused with a dishonest intention assured to the defacto complainant that the company would facilitate air tickets to the victims in these cases. Thereafter, after collecting the amount, booked tickets without the consent

of the defacto complainant for excess amount. The petitioner in these cases were arrested on 28.03.2024.

4. Heard the counsel for the petitioner and the Public Prosecutor.

5. The learned counsel for the petitioner submitted that the petitioner has not committed any offences. She is ready to abide any conditions, if this Court grants her bail. The learned Public Prosecutor seriously opposed the bail application and submitted that similar offences are alleged against the petitioner and she is involved in the case.

6. After hearing both sides, I am of the considered opinion that the petitioner can be released on bail in these cases after imposing stringent conditions, considering her detention period. If the petitioner commits any similar offence in future, the investigating officer is free to file appropriate application before the jurisdictional court for cancellation of bail and if such a bail application is filed, the Jurisdictional court is free to cancel the bail, even though this order is passed

by this Court.

7. Moreover, it is a well accepted principle that the bail is the rule and the jail is the exception. The Hon'ble Supreme Court in ***Chidambaram. P v Directorate of Enforcement*** (2019 (16) SCALE 870), after considering all the earlier judgments, observed that, the basic jurisprudence relating to bail remains the same inasmuch as the grant of bail is the rule and refusal is the exception so as to ensure that the accused has the opportunity of securing fair trial.

8. Considering the dictum laid down in the above decision and considering the facts and circumstances of this case, these Bail Applications are allowed with the following directions:

1. Petitioner shall be released on bail on executing a bond for Rs.50,000/- (Rupees Fifty Thousand only) with two solvent sureties each for the like sum to the satisfaction of the jurisdictional Court.

2. The petitioner shall appear before the Investigating

Officer for interrogation as and when required. The petitioner shall co-operate with the investigation and 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.

3. Petitioner shall not leave India without permission of the jurisdictional Court.

4. Petitioner shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected.

5. The petitioner shall appear before the investigating officer on all Mondays till final report is filed.

6. If any of the above conditions are violated by the petitioner, the jurisdictional Court can cancel the bail in accordance to law, even though the bail is granted by this Court.

SD/-

P.V.KUNHIKRISHNAN
JUDGE

SKS