

IN THE COURT OF THE SESSIONS JUDGE, ALAPPUZHA

Present:- Sri.K.K.Balakrishnan, Sessions Judge

Thursday the 8th day of August 2024

CRL. M.C.No.338/2024

(Crime No.374/2024 of Kainady Police Station)

Between:-

Navas, Aged 52 years, S/o Khalid,
Idathil House, Vazhicherry Muri,
Kallupalam P.O, Alappuzha Municipal
Ward No.45, Alappuzha West Village,
Alappuzha

Petitioner/ Accused No.1

AND

1. Station House Officer, Kainady
Police Station, Alappuzha
2. Chief Secretary of Kerala
represented by District Collector
through Public Public Prosecutor,
Alappuzha

Respondents

Petition filed u/s.439 of Cr.P.C to release the petitioner on bail.

Petition was presented on : 05.08.2024

This petition coming on 07.08.2024 for hearing before me in the presence of Sri.P.A.Asalam, Advocate for petitioner; Public Prosecutor for the Respondent; the Court on 08.08.2024 passed the following:-

ORDER

The petition is filed u/s.439 of Code of Criminal Procedure by A1 in crime No.374/2024 of Kainady Police Station. The offences alleged against the accused are punishable under Sections 370, 406 and 420 read with Section 34 of IPC.

2. The prosecution case as revealed from the report of the investigating officer, in brief, is as follows:- The petitioner and co-accused sent the defacto complainant to Cambodia with a fake promise that there is job for Data Entry Operator in that country and for that purpose, the accused persons obtained ₹1,20,000/- from her. When she reached that country, she faced several difficulties. The accused persons demanded additional ₹2,00,000/- to permit her to return back to India. The defacto complainant in crime No.375/2024 sold her two sovereigns of gold ornaments and also \$600 collected from others and thus given ₹1,30,400/- to A2 and ₹69,600/- to the petitioner. For purchasing air ticket, she spent ₹38,000/-. It is also alleged that the defacto complainant was sent to that country for some other purpose and thereby cheated her by sending her to foreign country without any licence or authority by the petitioner and co-accused. On the basis of the statement given by the defacto complainant, the respondent registered the crime against the petitioner and co-accused, alleging the aforesaid offences. In this case, petitioner was arrested on 25.07.2024. Since then he has been in judicial custody.

3. The petitioner contended that he is absolutely innocent of the allegations levelled against him. The bail application filed before Judicial Magistrate of First Class, Ramankary, as CMP No.1404/2024 was dismissed by the learned Magistrate, vide order dated 01.08.2024. Hence this petition. The investigation is almost over. He is suffering from cardiac illness and chest pain.

He is ready to abide any conditions imposed by this court for granting bail to him.

4. In the report, the investigating officer seriously opposed the bail application and contending that if bail is granted to the petitioner, there is chance for influencing or intimidating the witnesses and tamper with evidence. He may abscond. The other accused is not yet arrested. Investigation in this case is only in the preliminary stage. So, the investigating officer prayed to dismiss the petition.

5. Heard both sides and perused the case diary.

6. The learned counsel for the petitioner reiterated the facts narrated in the petition. The petitioner is in judicial custody from 25.07.2024. The petitioner is the only earning member of his family. The learned counsel submitted that petitioner only arranged Visa for the defacto complainant and had no other intention. The petitioner is only a real estate broker, who has no licence or authority to provide Visa or any travel document to any person. The alleged transaction is no way connected to any criminal acts. The petitioner is ready to furnish sufficient sureties and ready to abide any conditions imposed by the court, if released on bail.

7. The learned Public Prosecutor seriously opposed the arguments from the petitioner's side and submitted that, considering the nature and gravity of the offences, petitioner is not entitled to get bail at this stage. According to the

learned Prosecutor, this is a case of human trafficking. The involvement of other persons in the case is to be investigated. The investigation is continuing to ascertain any other persons were transported by the accused persons to any other foreign country. The investigation of the case is in the preliminary stage and if the petitioner is released on bail at this stage, there is possibility of influencing witnesses and thereby cause hindrance to the investigation. So, the learned Prosecutor prayed to dismiss the petition.

8. I have perused the report alongwith case records submitted by the investigating officer. The crux of the allegation against the petitioner is that he alongwith the co-accused without any authority or licence, transported the defacto complainant to a foreign country. The interesting aspect revealed from the submission of the learned counsel for the petitioner is that petitioner is only a real estate broker, but he arranged facilities for sending defacto complainant to a South East Asian country, Cambodia. The case records show that another woman also transported to that country by the accused without any authority or licence. Therefore, another case, crime No.375/2024 was registered by the respondent against the petitioner and co-accused. The investigation is passing through crucial stage and the other accused person involved in the crime is to be ascertained. The co-accused is still absconding. The subject matter needs detailed investigation about how many persons were sent to foreign country by the petitioner and co-accused. If bail is granted at this stage, there is also chance

for absconding of him. Therefore, considering all the facts and circumstances of the case, I am not inclined to grant bail to the petitioner at this stage.

In the result, the petition stands dismissed.

Dictated to the Confidential Assistant, transcribed and typed by her, revised and corrected by me and pronounced on this the 8th day of August, 2024.

Sd/-
SESSIONS JUDGE
ALAPPUZHA