

**IN THE COURT OF SESSIONS, ERNAKULAM DIVISION***Present:-***Sri. K.K.Balakrishnan, Sessions Judge**Tuesday , 24<sup>th</sup> day of March, 2026/3<sup>rd</sup> Chaithra, 1948.**BA No.536/2026**

(Crime No 791/2025 of Thadiyattaparamba Police Station)

**Petitioner** \_\_\_\_\_ /  
**Accused No1:**Jyothish K R, aged 41 years, S/o. Narayanan,  
Pullattu House, Avanamcode, Chowara P O,  
Ernakulam.

By Advs. M. Vivek &amp; Reshma Divakaran

**Respondent /**  
**Complainant:**State of Kerala represented by Public Prosecutor,  
ERnakulam

By Public Prosecutor Sri. Manoj G Krishnan

This petition filed u/s.482 of Bharatiya Nagarik Suraksha Sanhita praying this Court to grant anticipatory bail to the petitioner.

This petition coming on for hearing on 23.03.2026 and the Court on 24.03.2026 passed the following:

**ORDER**

This petition is filed u/s.482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) by the A1 in Crime No.791/2025 of Thadiyittaparamba Police Station.

The offence alleged against him is punishable under Sections 420 of IPC.

2. The prosecution case as per the report of the investigating officer is as follows:- The petitioner along with A2, with an intention to make unlawful profit to themselves and unlawful loss to the defacto complainant, promised him that they would arrange visa for him to work as a nursing home

care taker in United Kingdom. Believing the said promise, the defacto complainant transferred a total amount of ₹17 lakh on various dates to the account of the accused. However, they cheated the defacto complainant by not providing visa or money received. On the basis of the statement given by the defacto complainant, this case was registered against the accused by the respondent, alleging the offences stated above. Apprehending arrest in this crime, the petitioner approached this court with the present petition.

3. The petitioner submitted that he is absolutely innocent of all the allegations levelled against him. The admitted case of the defacto complainant is that he himself contacted the petitioner requesting to arrange a job in UK. He never persuaded or canvassed the defacto complainant offering any service. The defacto complainant himself admitted that he paid money to *Daaj Immigration* and one Ananthu Ashokan. The petitioner is a staff of *Daaj Immigration*. There is no allegation that the petitioner has accepted any amount personally. According to the defacto complainant, the entire amount was paid to A2 for securing the job. After registration of the crime, bank accounts of A2 and his wife were freezed. Petitioner is ready to abide by any conditions imposed by this court while granting pre-arrest bail.

4. The investigating officer submitted report opposing the bail application, contending that if the petitioner is granted pre-arrest bail, there is

chance of influencing the witnesses and tampering the evidence and there is every chance to derail the investigation. So, the investigating officer prayed to dismiss the petition.

5. Heard both sides and perused the case records.

6. The learned counsel for the petitioner reiterated the facts narrated in the petition. The petitioner is falsely implicated in this case. He is ready to co-operate with the investigation. It is also submitted that the petitioner is ready to furnish sufficient sureties and is ready to abide any conditions imposed by the court if he is released on pre-arrest bail. Thus, the learned counsel argued to grant pre-arrest bail to the petitioner.

7. The learned Public Prosecutor seriously opposed the arguments from the side of the petitioner and submitted that, considering the nature and gravity of the offence, petitioner is not entitled to get pre-arrest bail at this stage. The investigation is in the preliminary stage and if the petitioner is released on pre-arrest bail at this stage, the possibility of influencing the witnesses cannot be ruled out. So, argued to dismiss the petition.

8. On perusal of the case records including the copy of the complaint and F.I statement, it is seen that the dispute emerged from breach of contract with respect to arrange of job visa to UK. The petitioner has no reported criminal antecedents. This case is registered by the respondent after

forwarding the complaint instituted by the defacto complainant before the Magistrate Court and it was forwarded to investigation u/s.175(3) of BNSS. So, custodial interrogation of the petitioner is not sought by the investigating officer. The alleged transactions were happened in the year 2023. One of the objections of the investigating officer is that if bail is granted, there is every chance to influence the witnesses. So, considering the facts and circumstances of the case, I am of the view that this is a fit case to invoke jurisdiction vested with the court u/s.482 of BNSS to grant pre-arrest bail to the petitioner, on conditions.

In the result, this petition is allowed on the following conditions.

- i. The petitioner is directed to surrender before the Investigating Officer on or before 10 a.m. on or before 01.04.2026;
- ii. After the interrogation, the Investigating Officer shall produce him before the jurisdictional Court on or before 4 pm on the date of surrender itself;
- iii. On such production, the jurisdictional Magistrate shall release the petitioner on bail on his executing bond for ₹1,00,000/- (Rupees one lakh only) with two solvent sureties each for the like sum, to the satisfaction of the Jurisdictional Court;
- iv. He shall co-operate with the investigation and make himself

available for interrogation and for the purpose of investigation as and when the Investigating Officer directs;

- vi. He shall not intimidate witnesses or interfere with the investigation in any manner;
- viii. He shall not get involved in any other offence while he is on bail;
- ix. He shall surrender his passport, if any, before the jurisdictional Magistrate at the time of execution of bond. If he has no passport, he shall file an affidavit to that effect on the date of execution of the bond.

The application if any, for deletion/modification of the bail conditions or cancellation of bail on the grounds of violating the bail conditions shall be filed at the jurisdictional court.

*Dictated to the Confidential Assistant, transcribed and typed by her, revised and corrected by me and pronounced on this the 24<sup>th</sup> day of March, 2026.*

**Sd/-**  
**K K Balakrishnan**  
**Sessions Judge**

Typed by: sm  
Comp.by:

**BA No.536/2026**  
**Order dated: 24.03.2026**