

IN THE COURT OF THE SESSIONS JUDGE, THRISSUR

Present:

Sri.P.P. Saidalavi., Sessions Judge

Monday, 22nd day of September, 2025/ 31st Bhadrapadam 1947 S.E.

Crl.MC.No.1149/2025 and Crl.MC.No.1161/2025

(Crime No.1332/2025 of Town East Police Station, Thrissur)

Crl.MC.No.1149/2025

Petitioner:-

Muhammed Faisal K.M., Aged 28 years,
S/o Muhammed Musthafa, Kottamputhur House,
Cheruthuruthy P.O., Pudussery, Kerala-679 531.

By Adv. Vibin T.

Respondent:-

State of Kerala., rep. by Station House Officer,
Town East Police Station, Thrissur

By Public Prosecutor, Thrissur.

Crl.MC.No.1161/2025

Petitioner:-

Sooraj V.Kumar, Aged 30 years, S/o V.Kumaran,
Pratibha, Pulimparamba, Taliparamba, Kannur-670 141.

By Adv. Vibin T.

Respondent:-

State of Kerala., rep. by Station House Officer,
Town East Police Station, Thrissur

By Public Prosecutor, Thrissur.

These petitions are coming on this day for hearing, the Court passed the following:-

COMMON ORDER

This is a petition under section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS). The petitioner in Crl.MC 1149/2025 is the 1st accused and the petitioner in Crl.MC 1161/2025 is the 2nd accused in Crime No. 1332/2025 of Thrissur East Police Station. The offences alleged against the petitioners are punishable under Sections 318(2), 112(2) r/w 3(5) of the Bharatiya Nyaya Sanhita. The allegation against the petitioners in brief is that, the 1st accused is the Director and 2nd accused is an employee of 'Zeeroot International Consultants Pvt. Ltd'. As per the order of Thrissur City Police Commissioner, on 26.07.2025 the Investigating Officer conducted a search in 'ZEEROOT INTERNATIONAL' run by the petitioners situated at Thrissur City Center Shopping Mall alleging that the petitioners are running a fake institution without any license and on a search it is found that, the petitioners with an intention to cheat the customers collected cash from them for skilled and unskilled job vacancies. Thereby the petitioners have committed the above offence. In view of the above factual scenario a crime is registered against the petitioners by alleging the above offences.

2. Presently the crime is under investigation.

3. The averments in both the petitions are similar, it is contended that the petitioners are absolutely innocent and they have not committed any offence as alleged by the prosecution. The de-facto complainant has falsely implicated to

this crime due to ulterior motives. Further contended that, the alleged institution is a private limited company duly registered under the provisions of the Companies Act and is having valid registration with the Ministry of Corporate Affairs and the said institution is doing consultancy services in the field of education and overseas employment. Therefore the arrest and detention of the petitioners are not at all necessary. Anyhow the Investigating Officer is behind the petitioners to record their arrest. Hence the petitioners prayed for relief under Section 482 of the BNSS,

4. Notice given to the respondent. The respondent filed a statement of objection wherein it is stated that, presently the investigation is going on. Further the material witnesses are yet to be questioned and material evidences like bank account details pertaining to the transactions, license of the institution and other evidences are yet to be collected. At this stage if the petitioners are released on pre-arrest bail, that will detrimentally affect the remaining portion of investigation because there is high possibility to influence the witnesses and tamper with the evidence.

5. The learned Public Prosecutor produced the case diary. I have heard both sides and perused the records.

6. The learned counsel for the petitioners commenced his arguments by submitting that, this is a case *suo motu* registered by the Sub Inspector of Police, Thrissur East Police Station after conducting a search in the institution namely

‘ZEEROOT INTERNATIONAL’ run by the 1st accused wherein the 2nd accused is the manager. On search it is found that the said institution is collecting amount from various customers by offering job to skilled and unskilled labourers and documents are seized to substantiate that the institution has collected amount from various customers.

7. It is further urged that, the ZEEROOT INTERNATIONAL is collecting the amount from the customers by offering job at abroad without license and permit from Ministry of External Affairs. Therefore the act of the 1st accused and his manager 2nd accused are amounts to petty organized crime and cheating of various customers. But as rightly argued by the learned counsel for the petitioners that, none of the customers made any complaint against the petitioners that they mislead the customers and collected amount by giving false promise. Anyhow as argued by the learned Public Prosecutor, the Investigating Officer is authorized to conduct investigation if there is any petty organized crime committed with an intention to cheat the customers. But as on today none of the customers made a complaint to the Investigating Officer that they are subjected to any cheating by the petitioners. Under such circumstances this court of the view that, ingredients to attract offence under Section 318(2) and 112(2) of BNS are to be further substantiated.

9. Anyhow the argument advanced by the learned Public Prosecutor cannot be left unnoticed. He pointed out that this is a case wherein an in-depth

investigation is inevitable. The customers of the 'ZEEROOT INTERNATIONAL' has to be interrogated pertaining to the transactions with this institution. So investigation is only at the initial stage. But when considering the fact that no complaint is still received against the petitioners at this point of time, this court of view that there is no legal or factual necessity to detain behind the bars for the sake of investigation.

10. The investigation has commenced by a thorough search in the institution run by the 1st accused wherein 2nd accused is its Manager. All the relevant documents pertaining to the said transactions are already seized. So it is obvious that, the major portion of investigation is already completed. Therefore by considering the nature of allegations against the petitioners, nature of investigation is yet to be completed and in the absence of allegations of criminal antecedents against the petitioners at this stage this court of the view that, pre-arrest bail granted to the petitioners with the following conditions.

(1) The petitioners shall surrender before the investigating officer on or before 29.09.2025 at 9.30 a.m. On such surrender, after interrogation and other proceedings if any, in case of their arrest, they shall be released on their executing bond for Rs.50,000/- (Rupees Fifty Thousand Only) each with two solvent sureties each for the like sum to the satisfaction of the Investigating Officer.

(2) It is made clear that, in case of failure to surrender as mentioned above, the Investigating Officer is at liberty to

arrest the petitioners. In view of such arrest the petitioners are not entitled to get bail under this order.

- (3) The petitioners shall co-operate with investigation and they shall appear before the Investigating Officer for interrogation as and when called for.*
- (4) The petitioners shall surrender their Passport before the Investigating officer as and when the petitioners surrendering for executing Bail bond. The investigating officer shall produced the same on the next Working day before the Magistrate Court concerned for safe custody. If the petitioners have no Passport they shall file an affidavit to that effect.*
- (5) The petitioners shall not intimidate, influence the witnesses and shall not interfere in the investigation by tampering the evidence in any manner.*
- (6) The petitioners shall not involve in any criminal offences, if any offence is reported against the petitioners, that will be a sole ground to cancel the bail granted under this order.*

(Dictated to the Confidential Assistant, transcribed and typed by him, corrected by me and pronounced in open Court on this the 22nd day of September, 2025.)

Sd/-

**P.P. SAIDALAVI.,
SESSIONS JUDGE.**

By Order,

/true copy/

Copy to: 1. S.I. of Police, Thrissur Town East Police Station.
2. JFCM No.I, Thrissur.

Sheristadar

