

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

THURSDAY, THE 31ST AUGUST 2006 / 9TH BHADRA 1928

Bail Appl..No. 5370 of 2006

CRIME NO.R.C.13(A) 2006 SPE/CBI, KOCHI

PETITIONER

P.V.SURYA RAO, S/O.P.JAGANANTHA RAO,
SUGANTH, THYCADU, THIRUVANANTHAPURAM.

(THE NAME OF THE PETITIONER IS CORRECTED
AS 'SURYA RAO' AS PER ORDER IN
CRL.M.APPL.No.4869/2006 DATED 31-8-2006)

BY ADV. SRI.S.RAJEEV

RESPONDENTS:

CENTRAL BUREAU OF INVESTIGATION,
REPRESENTED BY ITS STANDING COUNSEL.

BY SC FOR CBI S.SREEKUMAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 31/08/2006, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

J.M.JAMES, J.

B.A. 5370/2006

DATED THIS THE 31ST DAY OF AUGUST, 2006

O R D E R

The petitioner was working as the Protector of Emigrants, in the office at Thiruvananthapuram. He joined the station, on September, 2005.

2. The prosecution allegation is that the petitioner, as part of the conspiracy hatched by himself with seven travel agents of the area, had cleared the emigration of many travellers to foreign countries, who had forged or fake documents; like passports, visa and other travel documents. Further allegation is that the petitioner had collected bribe from different travel agents and therefore, his daily illegal collections surged to Rs. 30,000/- to Rs. 40,000/- per day. It is also alleged that the petitioner had opened an account in HSBC Bank, Thiruvananthapuram, and deposited an amount of Rs.11.69 lakhs between January 2006 to April 2006. When the investigation started, and his premises in

Thiruvananthapuram and Vishakhapatnam were searched, he had transferred the said amount, in the name of one Salahudin, another travel agent at Thiruvananthapuram. Salahudin withdrew the above amount, and deposited in the account of Surya Rao, the account being opened in an abridged name of the petitioner, in HSBC Bank.

3. The learned Standing counsel for the CBI, S.Sreekumar, gave various details of the amount deposited by the petitioner, in his account. The counsel therefore, prayed that the interrogation of the petitioner, in custody, is necessary.

4. The learned counsel Mr.S.Rajeev had submitted that the petitioner had already been interrogated on more than one occasion and therefore, further custodial interrogation may not be required. The counsel further submitted that the petitioner would always be available for interrogation and it is because of the unscientific approach of the CBI, that he was not able to face them as a free citizen and divulge every

information in his knowledge, so that his innocence could be established.

5. After hearing both sides and considering the materials that are placed before me, I direct the petitioner, P.V.Surya Rao, the former Protector of Emigrants, who is now on suspension, to surrender before the Investigating Officer, Kochi, in crime No.R.C.13(A)/2006 of SPE/CBI/Kochi on 12.9.2006 between 10.00 a.m and 10.30 a.m., as the CBI is investigating the offence alleged against him and others, for the offence punishable under Sections 420, 468, 471 and 120B IPC and also under Sections 13(2) read with Section 13(1)(d) of the Prevention of Corruption Act, 1988.

6. The Investigating Officer shall interrogate the petitioner and thereafter, produce him before the Court below, as per the law.

7. The learned Special Judge SPE/CBI 1, Ernakulam, shall consider the applications for bail and custodial interrogation, that may be filed by the

petitioner and the Investigating Officer respectively, and pass orders on merit, on both the applications, on the date of production itself, considering the contentions that may be raised by either side, before that Court.

The application is disposed of as above.

**J.M.JAMES
JUDGE**

mrCS