

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS

FRIDAY, THE 30TH DAY OF JUNE 2023 / 9TH ASHADHA, 1945

BAIL APPL. NO. 4648 OF 2023

CRIME NO.43/2023 OF CYBER CRIME POLICE STATION, KOCHI, ERNAKULAM
CITY

PETITIONER/ACCUSED:

SANKER PRABHA
AGED 35 YEARS
S/O RAJESWARAN, UFFC FIRST FLOOR,
PATALL FAVOURITE HOME, KOLIYAKODE, NEAR POTHENCODE,
THIRUVANANTHAPURAM, PIN - 695584

BY ADV K.K.JYOTHILAKSHMY

RESPONDENT/STATE:

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

BY ADV.SMT.SREEJA.V., PUBLIC PROSECUTOR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
30.06.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

BECHU KURIAN THOMAS, J.

B.A.No.4648 of 2023

Dated this the 30th day of June, 2023

ORDER

This application is filed under Section 439 of the Code of Criminal Procedure, 1973, seeking regular bail.

2. Petitioner is the accused in Crime No.43 of 2023 of Cyber Crime Police Station, Kochi, alleging offences punishable under Sections 406 and 420 of the Indian Penal Code, 1860.

3. According to the prosecution, the accused had with intent to cheat, promised an employment to the defacto complainant offering him a salary and after procuring the identity cards and an amount of Rs.750/-, committed criminal breach of trust and cheating by failing to provide the employment or return the amount collected and thereby committed the offences alleged.

4. I have heard Smt.K.K.Jyothilakshmy, learned counsel for the petitioner, as well as Smt.V.Sreeja, learned Public Prosecutor.

5. Even though it was submitted that the petitioner was involved in a similar offence which is now pending consideration as C.C.No.38 of 2021 before the Chief Judicial Magistrate Court,

Ernakulam, I am of the view that considering the period of detention already undergone from 08.06.2023 and the nature of allegations, I am of the view that the further detention of the petitioner is not essential.

7. Accordingly, I allow this application with the following conditions:-

- (a) Petitioner shall be released on bail on him 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 court having jurisdiction.
- (b) Petitioner shall appear before the Investigating Officer as and when required.
- (c) Petitioner shall not intimidate or attempt to influence the witnesses; nor shall he tamper with the evidence.
- (d) Petitioner shall not commit any similar offences while he is on bail.
- (e) Petitioner shall not leave India without the permission of the Court having jurisdiction.

In case of violation of any of the above conditions, the jurisdictional Court shall be empowered to consider the application for cancellation, if any, and pass appropriate orders in accordance with the law, notwithstanding the bail having been granted by this Court.

**Sd/- BECHU KURIAN THOMAS
JUDGE**