

**(2025) 01 KL CK 0078**

**High Court Of Kerala**

**Case No:** Bail Application No. 11184 Of 2024

Muhammed Najeer

APPELLANT

Vs

State Of Kerala

RESPONDENT

**Date of Decision:** Jan. 3, 2025

**Acts Referred:**

- Bharatiya Nyaya Sanhita, 2023 - Section 316(2), 318(4)

**Hon'ble Judges:** Jobin Sebastian, J

**Bench:** Single Bench

**Advocate:** P.Venugopal, Srilakshmi T.S., M.C. Ashi

**Final Decision:** Allowed

### Judgement

Jobin Sebastian, J

1. This petition for regular bail has been filed by the sole accused in crime No.597/2024 of Kuttiady Police Station, registered alleging the commission

of offences punishable under Sections 316(2) and 318(4) of Bharatiya Nyaya Sanhita (BNS).

2. The prosecution allegation in brief is as follows:

The accused and the defacto complainant got acquainted with each other through "Instagram", a social media platform. Thereafter, the accused

with an intention to make unlawful gain to him and to make unlawful loss to the defacto complainant, induced the defacto complainant to hand over her

15 sovereigns of gold ornaments under the pretext that he is having jewellery business and those ornaments would be used as a model for making

other ornaments. The accused also promised to pay an amount of Rs.20,00,000/- to the defacto complainant as commission. However, after obtaining

the gold ornaments the accused neither returned it nor paid any commission as offered by him and thereby, cheated the defacto complainant. Hence, the accused is alleged to have committed the offences mentioned above.

3. Heard both sides and perused the available records.

4. The allegation that the petitioner practiced deception on the defacto complainant and grabbed her 15 sovereigns of gold ornaments is a serious one.

It is alleged that the accused after building confidence in the mind of the defacto complainant made her to believe that, the accused had jewellery

business and requested her to hand over the gold ornaments for using the same as model for making new gold ornaments. From a perusal of the

records, it is decipherable that the accusation against the petitioner is prima facie well founded. Moreover, from the submission made by the learned

Public Prosecutor and from a perusal of the records, it is gatherable that another case is also registered against the petitioner on the basis of a

complaint filed by another person raising similar allegations. Therefore, an indepth investigation is highly necessary to find out the modus operandi of

the petitioner as well as to find out how many persons were cheated in the same manner.

5. However, the formal arrest of the petitioner was recorded in this case on 06.12.2024 and since then he has been under judicial custody. The

investigation in this case appears to have progressed substantially and is on the verge of completion. As the investigation in this case has crossed its

major and crucial part, further judicial incarceration of the petitioner will serve no purpose. Moreover, the presence and co-operation of the petitioner

in the ongoing probe can be well ensured by imposing stringent conditions in this order. Hence considering the days of detention already undergone by

the petitioner and the stage of investigation, I am inclined to grant bail to the petitioner on stringent conditions.

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

(1) The petitioner shall be released on bail on he executing a bond for Rs.1,00,000/-(Rupees One Lakh only) with two solvent sureties each for the like sum to the

satisfaction of the court having jurisdiction.

(2) The petitioner shall appear before the Investigating Officer on alternate Saturdays between 10 a.m. and 11 a.m., starting from 11.01.2025 for a period of three

months or till the final report is filed, whichever occurs first.

(3) The petitioner shall also appear before the investigating officer as and when required and shall co-operate with the investigation.

(4) The petitioner shall not intimidate or influence the witnesses; or tamper with the evidence.

Â (5) The petitioner shall not commit any offence while he is on bail.

(6) It is made clear that, in the event of a violation of any of the above conditions, the investigating officer is at liberty to approach the jurisdictional court for

cancellation of bail. In that event, the jurisdictional court shall consider such application and pass appropriate orders.