

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 29TH DAY OF JANUARY 2015/9TH MAGHA, 1936

Bail Appl.No. 106 of 2015

CRIME NO. 2369/2014 OF CHATHANNOOR POLICE STATION, KOLLAM
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PETITIONER(S)/ACCUSED:

**G.RAJU, AGED 52,
S/O.GOPALAKRISHNA PILLAI, MAKAYEERAM VEEDU,
MAILAKADU P.O., ADICHANALLOOR, KOLLAM.**

**BY ADVS.SRI.R.KRISHNA RAJ
SRI.BIJITH S.KHAN**

RESPONDENT(S):

**SUB INSPECTOR OF POLICE,
CHATHANNOOR, REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA.**

BY PUBLIC PROSECUTOR SRI.SREEJITH V.S.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
29-01-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

B.KEMAL PASHA, J.

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B.A. No.106 of 2015

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Dated this the 29th day of January, 2015

ORDER

Petition under Section 438 Cr.P.C.

2. The petitioner is the accused in Crime No.2369/2014 of the Chathannoor Police Station, registered for the offences punishable under Sections 420 IPC and 17 of the Money Lenders Act.

3. The allegation against the petitioner is that he has conducted money lending business without any licence. It is alleged that 19 documents and an amount of ₹1,03,150/- were seized from the possession of the petitioner.

4. Heard learned counsel for the petitioner and learned Public Prosecutor.

5. The learned counsel for the petitioner pointed out that most of the documents seized were prior documents in respect of the properties belonged to him as well as his father in law and the other documents were also not connected with any money lending transaction.

6. The learned Senior Public Prosecutor has conceded that the Investigating Officer could not collect any evidence regarding such illegal money lending by the petitioner from any of the witnesses examined by the Investigating Officer. The investigation is in progress. On going through the facts and circumstances of the case, and on hearing the submissions made by the learned counsel for the petitioner, I do not think that the custodial interrogation of the petitioner is required for the continued investigation of this case. Matters being so, I am of the view that this is a fit case wherein anticipatory bail can be granted to the petitioner.

7. In the result, this bail application is allowed and the investigating officer or such other police officer, who is conducting the arrest of the petitioner, is directed to enlarge the petitioner on bail in the event of his arrest on his executing a bond for ₹25,000/- (Rupees twenty five thousand only) with two solvent sureties each for the like

sum to the satisfaction of the officer conducting arrest, and subject to the following terms and conditions:-

(i) The petitioner shall report before the investigating officer in between 9 a.m. and 11 a.m. on all Thursdays and Mondays, commencing from 05.02.2015 for a period of three months or till the filing of the final report in this case, whichever is earlier.

(ii) The petitioner shall not tamper with the evidence or influence witnesses.

(iii) The petitioner shall make himself available for interrogation as and when required by the investigating officer.

(iv) The petitioner shall not involve in any offence while on bail.

It is made clear that the violation of any of the conditions stipulated above will result in the cancellation of bail.

Sd/-
B.KEMAL PASHA, JUDGE

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//True copy//

P.A to Judge

