

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

FRIDAY, THE 27TH DAY OF FEBRUARY 2015/8TH PHALGUNA, 1936

Bail Appl.No. 759 of 2015

CRIME NO. 1752/2014 OF ETTUMANOOR POLICE STATION, KOTTAYAM
.....

PETITIONER(S)/2ND ACCUSED:

**DIMIL MATHEW SHOWN AS DIMIL IN THE FIR, AGED 26 YEARS,
S/O K.M. MATHEW, KALLUMNKAL HOUSE,
KADAPPOOR (KARA) KANAKKARI (V),
MEENACHIL TALUK.**

BY ADV. SRI.M.J.THOMAS

RESPONDENT(S):

**THE SUB INSEPCTOR OF POLICE, ETTUMANOOR POLICE STATION,
KOTTAYAM, REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM**

BY PUBLIC PROSECUTOR SMT.LALIZA T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
27-02-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

K. ABRAHAM MATHEW, J.

B.A. No.759 of 2015

Dated this the 27th day of February, 2015

O R D E R

Petition filed under Section 438 Cr.P.C.

The petitioner is the second accused in crime No.1752/2014 of Ettumanoor Police Station registered for the offences under Section 394 IPC and Section 13 and 17 of the Kerala Money Lenders Act.

2. The allegation is that the first accused was conducting money lending business without any licence or authority and he advanced a loan of Rs.2 lakhs to the defacto complainant on the security of R.C. Book of a car.

3. The learned counsel for the petitioner submits that the co-accused have already been granted bail and anticipatory bail may be granted to the petitioner.

4. Heard.

5. The prosecution case is that he along with the co-accused including the petitioner robbed the defacto complainant of his gold chain and car.

6. The learned Public Prosecutor submits that bail was granted to the co-accused under Section 439 Cr.P.C. and not 438 Cr.P.C.

7. I do not find any reason to grant anticipatory bail to the petitioner.

In the result, this application is dismissed.

The submission of the learned counsel for the petitioner that the petitioner will surrender before the Investigating Officer concerned is recorded.

Sd/-

**K. ABRAHAM MATHEW
JUDGE**

shg/