IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 24TH DAY OF MARCH 2015/3RD CHAITHRA, 1937

Bail Appl..No. 954 of 2015

CRIME NO.NOT KNOWN OF KARIMKUNNAM POLICE STATION.
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PETITIONER/ACCUSED:

SASIDHARAN, AGED 64 YEARS,
THETTIKUZHI VEEDU, 18 E,
HOLY FAITH APARTMENT,
VALLOTHOL JUNCTION,
THRIKKAKARA, ERNAKULAM.

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

RESPONDENT:

SUB INSPECTOR OF POLICE,
KARIMKUNNAM,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY SENIOR PUBLIC PROSECUTOR SRI.C.RASHEED

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 24-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

mbr/

B.KEMAL PASHA, J.

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B.A.No.954 of 2015

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Dated this the 24th day of March, 2015

<u>O R D E R</u>

Petition filed under Section 438 Cr.P.C.

2. The petitioner is the 1st accused in Crime No.473 of 2014 of the Karimkunnam Police Station, registered for the offences punishable under Sections 420 and 506(i) of the Indian Penal Code and Section 17 of the Kerala Money Lenders Act.

3. The allegation against the petitioner and the other accused is that they conducted money lending without any licence and lent an amount of ₹12,00,000/- to the defacto complainant, after obtaining a cheque towards security for ₹18,70,000/-. It is alleged that out of the said amount of ₹12,00,000/-, an amount of ₹2,00,000/- was taken away by

the 2nd accused. The allegation is that the 1st accused has charged an interest rate of 48% per year on the said amount and has intimidated the defacto complainant with dire consequences, in case the amount with such interest is not paid.

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

5. The learned counsel for the petitioner has pointed out that the defacto complainant had borrowed an amount of ₹18,70,000/- from the petitioner and it was out of mere friendship, that the said amounts were paid. According to the petitioner, the whole amount was paid by way of bank transactions namely through transfer from account, account payee cheque as well as cash cheque. The entire amount of ₹18,70,000/- was thus received by the defacto complainant through bank. When the amount was not paid, the cheque was presented at the bank, got it dishonoured and a case was filed alleging an offence punishable under Section 138 of the Negotiable Instruments Act. It was after filing of the said case, the present allegations were raised against the

petitioner by the defacto complainant. Considering the facts and circumstances of the case and on a perusal of the contents of CD, I am of the view that the custodial interrogation of the petitioner is not required for the continued investigation of this case and this is a fit case wherein anticipatory bail can be granted to the petitioner.

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

(i) Petitioner shall report before the investigating officer in between 09.00 a.m. and 11.00 a.m. on all Tuesdays and Fridays commencing from 31.03.2015 for a period of three months or till the filing of the final report in this case, whichever is earlier.

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

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

(iv) 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

DSV/24/3/15

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P.A. To Judge