

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

WEDNESDAY, THE 8TH DAY OF JULY 2015/17TH ASHADHA, 1937

Bail Appl..No. 1169 of 2015 ()

**CRIME NO. 27/2014 OF NADAKKAVU POLICE STATION,
KOZHIKODE DISTRICT**

PETITIONERS/ACCUSED NO.4 & 5:-:

- 1. T.M.VARGHESE, AGED 72 YEARS,
S/O.LATE MAMAN, THOPPIL HOUSE, PAMPADY P.O.
PAMPADY, KOTTAYAM.**
- 2. THOMAS JOSEPH, AGED 55 YEARS
THAKIDIYEL HOUSE, MANTHURUTHY P.O., CHAMBAKARA
NEDUKUNNAM VILLAGE, KOTTAYAM.**

**BY ADVS.SRI.S.RAJEEV
SRI.K.K.DHEERENDRAKRISHNAN
SRI.V.VINAY**

RESPONDENTS/STATE:-:

- 1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031
(CRIME NO.27/2014 OF NADAKKAVU POLICE STATION,
KOZHIKODE DISTRICT).**
- 2. STATION HOUSE OFFICER,
NADAKKAVU POLICE STATION
KOZHIKODE DISTRICT - 673 011
(CRIME NO.27/2014 OF NADAKKAVU POLICE STATION,
KOZHIKODE DISTRICT).**

R1 & R2 BY SENIOR PUBLIC PROSECUTOR SRI.C. RASHEED

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 08-07-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

K. ABRAHAM MATHEW, J.

B.A. No.1169 of 2015

Dated this the 8th day of July, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioners are alleged to have committed the offence under Sections 406, 420, 468, 471, 120(B) read with Section 34 of the Indian Penal Code and Section 13 & 17 of the Kerala Money Lenders Act and 3 & 4 of the Prohibition of Charging Exorbitant Interest Act.

3. The prosecution case is that they along with co-accused were conducting money lending for business without a licence and cheated the first informant. The amount involved is 5 crores. There is also an allegation that they charged exorbitant interest for the loans. Another allegation is that forgery was committed in relation to a mortgaged deed.

4. Heard.

5. This court has granted anticipatory bail to accused 1 and 2. The case of the petitioners also stands

on the same footing. In these circumstances I am inclined to grant their prayer for anticipatory bail.

In the result, this application is allowed.

1. The petitioners shall be released on bail after interrogation on their executing a bond for Rs.25,000/- (Rupees Twenty five thousand only) each with two solvent sureties for the like sum each if they are arrested by the police in connection with this case.

2. They shall appear before the investigating officer between 10.30 a.m and 11.30 a.m on every first and third Saturdays for two months or till the final report is filed whichever is earlier.

3. They shall not influence the witnesses or intimidate them.

4. They shall not get themselves involved in any other criminal case while they are on bail.

5. They shall not destroy or tamper with evidence.

In case of violation of any of the above conditions, the learned Magistrate is empowered to cancel the bail in accordance with law.

If the petitioners surrender before the Magistrate this

order is not applicable and the learned magistrate may pass appropriate orders.

sd/-
K. ABRAHAM MATHEW
JUDGE

R.AV

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PA to Judge