

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

TUESDAY, THE 28TH DAY OF JULY 2015/6TH SRAVANA, 1937

Bail Appl.No. 1418 of 2015

CRIME NO. 126/2015 OF SOORANADU POLICE STATION, KOLLAM
.....

PETITIONER(S)/ACCUSED A 1 & 2:

- 1. RAJAN ABRAHAM, AGED 69 YEARS,
S/O.ABRAHAM, MANAPPURATH HOUSE, ASHTAMUDI CHERI,
THRIKKARUVA VILLAGE, KOLLAM TALUK, KOLLAM DISTRICT.**
- 2. MERCY, AGED 56 YEARS,
W/O.RAJAN ABRAHAM, MANAPPURATH HOUSE, ASHTAMUDI CHERI,
THRIKKARUVA VILLAGE, KOLLAM TALUK, KOLLAM DISTRICT.**

BY ADV. SRI.P.V.DILEEP

RESPONDENT(S)/COMPLAINANT:

**STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SRI.C.RASHEED

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
28-07-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

K. ABRAHAM MATHEW, J.

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B.A.No. 1418 of 2015

Dated this the 28th day of July, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioner is said to have committed the offences under Sections 420 and 406 read with 34 of the Indian Penal Code and Sections 3 and 4 read with Section 17 of the Kerala Money Lenders Act. The prosecution case is this the victim borrowed a certain amount from the first petitioner giving sale deed of her property as a security for repayment. The first petitioner agreed to reconvey the property as and when the amount with interest was paid. Though the victim repaid the amount, the first petitioner has failed to reconvey the property. It is alleged that he along with his wife, the second petitioner, was conducting money lending business without license.

3. Heard.

4. The transaction took place in 2004. The only transaction alleged in the First Information Statement is the one that took place in 2004. Apart from the mere statement that

there was an agreement to reconvey the property there is nothing to show that the elements of the offences are attracted. So, I am inclined to grant the prayer of the petitioners.

In the result, this application is allowed.

- 1) The petitioners shall be released on bail on their executing a bond for Rs.50,000/- (Rupees fifty thousand only) each with two solvent sureties each for the like sum if they are arrested by the Police in connection with this case.*
- 2) They shall surrender their passports before the lower court concerned or if they do not have one, they shall file affidavits to that effect within five days of their release.*
- 3) They shall not leave India without the previous permission of the court of enquiry or trial court, as the case may be.*
- 4) They shall appear before the Investigating Officer between 10 a.m. and 11 a.m. every 1st and 3rd Saturdays for three months or till the final report is filed, whichever is earlier.*
- 5) They shall not intimidate or attempt to influence the witnesses.*
- 6) They shall not destroy or tamper with evidence.*
- 7) They shall not get themselves involved in any other criminal case while they are on bail.*

If the petitioners surrender before the Magistrate this order is not applicable and the learned Magistrate may pass appropriate orders.

In case of violation of any of the above conditions, the

learned Magistrate is empowered to cancel the bail in accordance with the law.

**K. ABRAHAM MATHEW,
JUDGE**

DST