

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 31ST DAY OF MARCH 2015/10TH CHAITHRA, 1937

Bail Appl..No. 1496 of 2015 ()

CRIME NO. 492/2015 OF MANJERI POLICE STATION, MALAPPURAM DISTRICT.

.....

PETITIONERS/ACCUSED:

- 1. ABDUL LATHEEF, S/O.ABBAS,
AGED 30 YEARS, NARANGATHODI HOUSE,
MANJERI, MALAPPURAM DISTRICT.**
- 2. ASHARAF, S/O.ABU HAJI,
AGED 37 YEARS, MELOTTIL HOUSE,
POOKOTTUR, MALAPPURAM DISTRICT.**
- 3. ABBAS, S/O.ABU HAJI,
AGED 33 YEARS, MELOTTIL HOUSE,
POOKOTTUR, MALAPPURAM DISTRICT.**

BY ADV. SRI.BABU S. NAIR.

RESPONDENTS/STATE & COMPLAINANT:

- 1. THE STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, KOCHI-682 031.**
- 2. THE SUB INSPECTOR OF POLICE,
MANJERI POLICE STATION,
MALAPPURAM DISTRICT, PIN- 676 121.**

BY PUBLIC PROSECUTOR SRI.SREEJITH. V.S.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 31-03-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

B.KEMAL PASHA, J.

.....
B.A. No.1496 of 2015
.....

Dated this the 31st day of March, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioners are the accused in Crime No.492/2015 of the Manjeri Police Station, Malappuram registered for the offences punishable under Sections 420, 468 and 471 read with Section 34 of the Indian Penal Code and Sections 13, 17 and 18(d) of the Money Lenders Act.

3. The allegation against the petitioners is that the defacto complainant had borrowed an amount of Rs.21 lakhs from the petitioners, 2½ years back, on interest, and that even though he had paid the entire amount and interest, the documents received as security were not returned to him and the first accused has filed a suit and

procured an attachment of the property of the defacto complainant.

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

5. The learned counsel for the petitioners has pointed out that the defacto complainant and the petitioners were residing in the same apartment in Saudi Arabia, where they were employed and while so, the daughter of the defacto complainant had to procure an admission in a Self Financing Dental College, for which the petitioners pooled an amount of Rs.36 lakhs as loan and they paid the same to the defacto complainant. With the said amount, the admission was procured. Even after the lapse of two years, the defacto complainant has deliberately avoided payment and refused to pay the amount. Finally, a complaint was filed before the Circle Inspector of Police, Manjeri, and the defacto complainant had agreed to pay part of the amount. Even that amount was not fully repaid. For the balance due,

a suit was filed by the first petitioner. It seems that by forwarding vague allegations, a complaint was filed on the basis of which the crime has been registered. On going through the facts and circumstances of the case, I am of the view that this is a fit case wherein anticipatory bail can be granted to the petitioners.

6. In the result, this bail application is allowed and the investigating officer or such other police officer, who is conducting the arrest of the petitioners, is directed to enlarge the petitioners on bail in the event of their arrest on each of them 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 petitioners shall report before the investigating officer in between 9 a.m. and 11 a.m. on all Tuesdays and Fridays commencing from 07.04.2015 for a period of three months or till the filing of the final report in this case,

whichever is earlier.

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

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

(iv) The petitioners 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

ul/-

[True copy]

P.S. to Judge