

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

MONDAY, THE 8TH DAY OF JUNE 2015/18TH JYASHTA, 1937

Bail Appl..No. 2820 of 2015

CRIME NO. 732/2015 OF MANNAR POLICE STATION , ALAPPUZHA DISTRICT

PETITIONER(S)/2ND ACCUSED :

**ASHOK KUMAR V.M., AGED 52 YEARS,
THULASI BHAVAN, PAVUKKARA P.O.,
MANNAR- 689 622.**

BY ADV. SRI.R.GIREESH VARMA

RESPONDENT(S)/COMPLAINANT :

**STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM,
(CRIME NO.732/2015 OF MANNAR POLICE STATION,
ALAPPUZHA DISTRICT).**

BY PUBLIC PROSECUTOR SRI.C.RASHEED

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 08-06-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

Msd.

K. ABRAHAM MATHEW, J.

Bail Appl. No.2820 of 2015

Dated this the 8th day of June 2015

O R D E R

Petition filed under Section 438 Cr.P.C.

2. Petitioner/2nd accused is alleged to have committed the offences under Sec.420 of Indian Penal Code, Sec.17 of the Kerala Money Lenders Act and Sec.9 of the Prohibition of Exorbitant Interest Act. The case is that the first informant borrowed from the 1st accused 15 lakhs rupees for which he executed a sale deed in favour of the latter as a security. The borrower also issued cheques and promissory notes as security. Later, the 1st accused sold the property to the petitioner. He has thus cheated the 1st informant.

3. Heard both sides.

4. It is submitted that no suit has been filed so far. A compliant was sent to the Home Minister, which resulted in the registration of this case. The sale deed in favour of the first accused was executed by the first informant on 30.04.2012. The first accused executed the sale deed in favour of the petitioner on 09.12.2013. The

sale was after more than 1½ years.

5. Having regard to all these facts, I am inclined to grant the prayer of the petitioner.

In the result, the bail application is allowed.

1) The petitioner shall be released on bail after interrogation on his executing a bond for Rs.50,000/- (Rupees Fifty thousand only) with two solvent sureties each for the like sum if he is arrested by the Police in connection with this case.

2) He shall appear before the Investigating Officer for interrogation if he is so required by him in writing.

3) He shall not destroy or tamper with evidence.

4) He shall not intimidate or attempt to influence the witnesses.

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

Sd/-
K. ABRAHAM MATHEW
JUDGE