

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

WEDNESDAY, THE 2ND DAY OF DECEMBER 2015/11TH AGRAHAYANA, 1937

Bail Appl..No. 3303 of 2015

CRIME NO. 1578/2014 OF PAYYANNUR POLICE STATION, KANNUR DISTRICT.
.....

PETITIONER/ACCUSED:

JAMEELA.M, AGED 28 YEARS,
W/O.NOUSHAD, KOVVAL HOUSE, VELLOOR,
VELLOOR P.O, KANNUR DISTRICT.

BY ADVS.SRI.ZUBAIR PULIKKOOL
SRI.P.S.BINU

RESPONDENT/COMPLAINANT:

STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, PIN - 682 031.

*ADDL. R2 IMPEDED

2. KATTOOR VAHIDA, AGED 35 YEARS, D/O.SAFFIYA,
RESIDING AT KAVVAYI, PAYYANNUR AMSOM DESOM,
PAYYANNUR.P.O., KANNUR DISTRICT, PIN - 670 307.

ADDL. R2 IS IMPEDED ASPER ORDER DATED 07-07-2015
IN CRIL.M.A.NO.6287/2015 IN BA.NO.3303/2015.

BY PUBLIC PROSECUTOR SMT.T.Y.LALIZA

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 02-12-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

mbr/

A.HARIPRASAD, J.

B.A. No.3303 of 2015

Dated this the 2nd day of December, 2015

ORDER

Petition under Section 438 of the Code of Criminal Procedure.

2. Petitioner is the accused in Crime No.1578 of 2014 of Payyannur Police Station registered for offences punishable under Sections 451, 294(b), 323, 506 and 420 I.P.C and Sections 13, 17, 18 (D) of the Kerala Money Lenders Act.

3. Allegation against the petitioner is that in the year 2011, the defacto complainant availed a loan of Rs.2,80,000/- from the petitioner. She charged exorbitant rate of interest. An amount of Rs.5,76,500/- was repaid including interest. On 06-12-2014, the accused trespassed into the house of the defacto complainant and demanded more money. She abused the defacto complainant in filthy language and assaulted her.

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

5. Learned counsel for the petitioner submitted that the entire prosecution case is false. The petitioner had filed a suit against

the defacto complainant and another lady before the Munsiffs Court, Payyannur as O.S No.59/2015. Criminal complaint is falsely filed by the defacto complainant. Considering the nature of allegations, I am of the view that no custodial interrogation is necessary. Hence, following directions are made :

1. Petitioner shall surrender before the investigating officer within a period of two weeks from today and submit herself for interrogation. In that event, the petitioner shall be released on bail on executing a bond for Rs.25,000/- (Rupees twenty five thousand only) with two solvent sureties each for the like sum to the satisfaction of the Investigating Officer.
2. The sureties shall produce documents to establish their identity and solvency. The Investigating Officer need not insist on the solvency certificate, but other documents can also be perused to find out whether the sureties are solvent or not.
3. Petitioner shall appear before the Investigating Officer as and when directed.

4. Petitioner shall not influence or intimidate witnesses.
5. If any of the above conditions is violated by the petitioner, the learned Magistrate having jurisdiction is free to cancel the bail.

Sd/-
A. HARIPRASAD
JUDGE

//True copy//

P.A to Judge

amk