

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

WEDNESDAY, THE 24TH DAY OF JUNE 2015/3RD ASHADHA, 1937

Bail Appl..No. 3417 of 2015 ()

CRIME NO. 600/2015 OF VAIKOM POLICE STATION, KOTTAYAM DISTRICT

PETITIONER(S)/ACCUSED NO.1 & 2:

- 1. M.UTHAMAN, AGED 60 YEARS,S/O.MADHAVAN,
KUZHIPPARAMBIL VEEDU, T.V.PURAM,
VAIKOM.**
- 2. SUSEELA SUDHAN,AGED 48 YEARS,W/O.SUDHAN,
ANNANAYIL (H), MOOTHEDATHUKAVU,
T.V.PURAM P.O., VAIKOM TALUK.**

BY ADV. SRI.C.P.UDAYABHANU

RESPONDENT/COMPLAINANT:

**STATE OF KERALA,
REPRESENTED BY THE S.I OF POLICE
(CRIME NO.600/15) VAIKOM POLICE STATION,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT. R.REMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 24-06-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

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K. ABRAHAM MATHEW, J.

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B.A.No. 3417 of 2015

Dated this the 24th day of June, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioners are alleged to have committed the offences under Sections 420, 465, 468 read with Section 34 of Indian Penal Code and Sections 3 & 4 of Kerala Prohibition of charging Exorbitant Interest Act, 2004 and Section 17 of Kerala Money Lenders Act. The prosecution case is that they were conducting money lending business without any licence and charged exorbitant rate of interest.

3. Heard.

4. The police conducted a search of the premises of the petitioner on 09.04.2015. Nothing was seized. Admittedly, there was a financial transaction between the petitioners and the first informant. The second petitioner has filed a complaint under Section 138 of the N.I. Act. Having regard to these facts, 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.25,000/- (Rupees twenty five 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)The petitioners shall surrender their passports before the lower 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 for interrogation if they are so required by him in writing.
- 5)They shall not destroy or tamper with evidence.
- 6)They shall not get themselves involved in any other criminal case while they are on bail.

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

DST

//True copy//

P.A. To Judge