

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

MONDAY, THE 13TH DAY OF JULY 2015/22ND ASHADHA, 1937

Bail Appl..No. 4003 of 2015 ()

**CRIME NUMBER NOT KNOWN OF KUNDARA POLICE STATION,
KOLLAM DISTRICT.**

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PETITIONER/ACCUSED:

**K.P. ABOOTTY, S/O. UMMER, AGED 58 YEARS,
AMEER MANZIL, MOOZHICKARA P.O.,
KODIYERI, THALASSERY, (PUTHENVILA VEEDU,
PERUMPUZHA P.O., PUNUKKANNOOR CHERRY,
KOTTAMKARA VILLAGE, KUNDARA, KOLLAM).**

BY ADV. SRI.B.MOHANLAL.

RESPONDENTS/COMPLAINANT:

- 1. STATE,
REPRESENTED BY THE STATION HOUSE OFFICER,
KUNDARA POLICE STATION, KOLLAM DISTRICT,
THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. THE CIRCLE INSPECTOR OF POLICE,
KUNDARA, KUNDARA P.O., KOLLAM,
PIN-691 502.**
- 3. THE DISTRICT POLICE CHIEF,
KOLLAM RURAL, KOTTARAKKARA P.O.,
KOLLAM-691 506.**

BY PUBLIC PROSECUTOR SRI.C. RASHEED.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 13-07-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

K.ABRAHAM MATHEW, J

B.A.NO.4003 OF 2015

Dated this the 13th day of July, 2015

O R D E R

Petition filed under Section 438 Cr.P.C.

2. Petitioner apprehends that he will be arrested by the Kundara police on the allegation that he has committed some non bailable offences. The learned Public Prosecutor submits that he is an accused in Crime No.1459 of 2014 of Kundara police station registered for the offence under Section 420 of the Indian Penal Code and Sections 3 and 17 of the Kerala Money Lenders Act.

3. The victim allegedly borrowed Rs.50,000/- from the petitioner in 2004 after executing a sale deed of his property as a security on the undertaking that he would reconvey the property on repayment of the amount with interest. It is alleged that though the amount with interest was paid he has not reconveyed the property. It is also alleged that he is doing money lending business without licence.

4. Heard.

5. The money transaction was in 2004. The sale deed was executed in 2004 itself. Almost more than decade has passed after the transaction. The victim has filed a civil suit. Having regard to these facts I am inclined to grant the prayer of the petitioner for anticipatory bail.

In the result, this 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 get himself involved in any other criminal case while he is on bail.

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

5. He shall not destroy or tamper with evidence.

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

If the petitioner surrenders before the Magistrate this order is not applicable and the learned magistrate may pass appropriate orders.

sd/-
K. ABRAHAM MATHEW
JUDGE

R.AV

//True Copy//

PA to Judge