

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

WEDNESDAY, THE 15TH DAY OF JULY 2015/24TH ASHADHA, 1937

Bail Appl..No. 4040 of 2015 ()

**CRIME NO. 293/2015 OF NEW MAHE POLICE STATION,
KANNUR DISTRICT**

PETITIONERS/ACCUSED :

- 1. ASHARAF, AGED 37 YEARS,
S/O. ABDUL RAHMAN, PADINCHATTAYIL HOUSE,
P.O.KURINGHILIYOD, VILLAYAPALLY, VATAKARA
KOZHIKODE DISTRICT.**
- 2. HAYARUNNISA, AGED 27 YEARS,
W/O. ASHARAF, PADINCHATTAYIL HOUSE, P.O., KURINGHILIYOD
VILLAYAPALLY, VATAKARA, KOZHIKODE DISTRICT.**

**BY ADVS.SRI.K.RAKESH ROSHAN
SMT.THUSHARA.V**

RESPONDENT/COMPLAINANT :

**STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM 31.
(IN CRIME NO. 293/2015 OF NEW MAHE POLICE STATION)**

BY PUBLIC PROSECUTOR SRI.V.S. SREEJITH

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 15-07-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

K. ABRAHAM MATHEW, J.

B.A. No.4040 of 2015

Dated this the 15th day of July, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioners are alleged to have committed the offence under Sections 406, 420 and 506(ii) of the Indian Penal Code.

3. The allegation is that in February 2013 the first informant gave the petitioners Rs.1,68,000/- (Rupees One lakh sixty eight thousand only) as a loan to be repaid within two months. After four months the first informant gave the petitioners gold ornaments worth 4.5 sovereigns. The petitioners have failed to repay the amount and return the gold ornaments.

4. Heard.

5. The failure to repay the amount does not amount to an offence. The petitioners allegedly borrowed Rs.1,68,000/- (Rupees One lakh sixty eight thousand only) in February 2013. The undertaking was to repay within two months. The allegation is that after four months the first informant gave them gold ornaments worth 4.5

sovereigns. This is a suspicious circumstance because even after the failure of the petitioners to repay the amount the first informant claims to have given them gold ornaments. Having regard to these facts I am inclined to grant the prayer of the petitioners for anticipatory bail.

In the result, this application is allowed.

1. The petitioners shall be released on bail after interrogation 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. They shall appear before the investigating officer for interrogation if they are so required by him in writing.

3. They shall not get themselves involved in any other criminal case while they are on bail.

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

5. They 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 petitioners surrender 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