

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE SUNIL THOMAS

MONDAY, THE 27TH DAY OF JULY 2015/5TH SRAVANA, 1937

Bail Appl..No. 4081 of 2015

CRIME NUMBER 1323/2015 OF KUNDARA POLICE STATION , KOLLAM DISTRICT

PETITIONER(S)/ACCUSED :

**RAJESH.R, AGED 41 YEARS,
S/O.RAVEENDRAN, KARIKULANGARA VEEDU, PERUMPUZHA (P.O),
KUNDARA, KOLLAM DISTRICT.**

BY ADV. SRI.C.R.SIVAKUMAR

RESPONDENT(S)/COMPLAINANT :

**THE STATE OF KERALA,
THROUGH THE SUB INSPECTOR OF POLICE,
KUNDARA POLICE STATION, KOLLAM DISTRICT,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 030.**

BY PUBLIC PROSECUTOR SMT.R.REMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 27-07-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

Msd.

SUNIL THOMAS, J.

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B.A.No.4081 of 2015

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Dated this the 27th day of July, 2015

ORDER

The sole accused in Crime No.1323 of 2015 of the Kundara Police Station is the petitioner herein.

2. The allegation of the de facto complainant is that the petitioner had given a loan of Rs.8,00,000/- to her. Thereafter, substantial amount was returned by her. However, the petitioner continued to threaten and to harass her, by demanding huge amounts as principal amount and unconscionable interest. Pursuant to the complaint lodged, crime was registered for offences punishable under Section 420 of the Indian Penal Code and Sections 3 and 17 of the Kerala Money Lenders Act. Petitioner apprehends arrest and has approached this Court seeking pre-arrest bail.

3. Heard both sides and examined the records.

4. It is seen from the records that the petitioner has already filed a civil suit as O.S.No.557 of 2015 against the husband of the de facto complainant. The allegation is that there was transaction between the complainant and the accused. The contention of the petitioner herein seems to be that, to get over the monetary liability,

the present crime was registered. Whatever be that, there is a financial transaction between the parties. The details of the transaction, the money lend, the money returned and the agreed rate of interest etc., are subject matter of the civil litigation. Suffice to say that substantial part of the evidence appears to be documentary in nature. Further, pursuant to the complaint, search was conducted in the house of the petitioner herein, which did not result in recovery of any material to show that he was conducting a money lending business. Possibly, this is an individual transaction between the petitioner and the de facto complainant. In the above circumstances, I do not find any necessity for a custodial interrogation and hence, I am inclined to grant anticipatory bail to the petitioner, subject to conditions.

(i) Petitioner shall appear before the Investigating Officer on 03.08.2015 between 10 a.m. and 11 a.m. and offer himself for interrogation. Thereafter, he shall be released on bail on he executing a bond for Rs.50,000/- (Rupees fifty thousand only) with two sureties, for the like sum each.

(ii) Petitioner shall co-operate with the investigation and shall appear before the Investigating Officer as and when called for.

(c) Petitioner shall not threaten, intimidate or coerce the witnesses or the de facto complainant.

Sd/-
SUNIL THOMAS
Judge

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