

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

WEDNESDAY, THE 29TH DAY OF JULY 2015/7TH SRAVANA, 1937

Bail Appl..No. 4439 of 2015 ()

**CRIME NO. 763/2015 OF BALARAMAPURAM POLICE STATION,
THIRUVANANDAPURAM DISTRICT**

PETITIONER/ACCUSED :

**BIJU, AGED 51 YEARS,
HONEY VIHAR, MUDIPPURAVILA, THALAYIL DESOM,
ATHIYANOOR, NEYYATTINKARA**

BY ADV. SMT.VIJAYAKUMARI

RESPONDENT/COMPLAINANT :

**STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM KOCHI-31**

BY PUBLIC PROSECUTOR SMT. R. REMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 29-07-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

K. ABRAHAM MATHEW, J.

B.A. No.4439 of 2015

Dated this the 29th day of July 2015

O R D E R

Petition filed under Section 438 Cr.P.C.

2. Petitioner is accused in Crime No.763 of 2015 of Balaramapuram Police station registered for the offences under Sec.420 of the Indian Penal Code and Sec.4 of the Kerala Prohibition of Charing Exorbitant Interest Act, 2012. He allegedly advanced a loan of Rs.8,00,000/- (Rupees eight lakhs only) to the first informant and as a security he obtained a sale deed of his property in his favour promising to reconvey it as and when he paid off the debt. It is alleged that though he paid back Rs.10,00,000/- (Rupees ten lakhs only) the petitioner demanded more money and has refused to reconvey the property.

3. Heard both sides.

4. The only document that is available in the Case Diary is the sale deed mentioned in the First Information Statement. This does not disclose that it was a conditional sale. It is yet to be ascertained whether the

elements of the offences mentioned in the First Information Statement are attracted.

5. Having regard to these facts, I am inclined to grant the prayer of the petitioner.

In the result, the bail 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) The petitioner shall appear before the Investigating Officer between 10.00 a.m. and 11.00 a.m. every Wednesday for four months or till the final report is filed, whichever is earlier.

3) The petitioner shall surrender his passport before the lower court concerned or if he does not have the one, file an affidavit to that effect.

4) The petitioner shall not leave India without the previous permission of the court of enquiry or the trial court concerned as the case may be.

5) The petitioner shall not destroy or tamper with evidence nor shall he get himself involved in any other criminal case.

6) The petitioner shall not intimidate or attempt to influence the witnesses.

7) The petitioner shall co-operate with investigation of the case.

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

/ True Copy /

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P.A. To Judge