

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

THURSDAY, THE 6TH DAY OF AUGUST 2015/15TH SRAVANA, 1937

Bail Appl.No. 4479 of 2015

CRIME NO. 876/2015 OF PERINTHALMANNA POLICE STATION, MALAPPURAM
.....

PETITIONER(S)/ACCUSED :

1. RAJAN, AGED 53 YEARS,
S/O. KUNJAN, PILAKKUZHIYIL HOUSE, VALAMBOOR P.O.,
ANGADIPPURAM AMSOM, ERANTHODE DESOM.
2. RAMAKRISHNAN, AGED 55 YEARS,
S/O. CHAMI, KAKKARAVEETIL HOUSE, VALAMBOOR P.O.,
ANGADIPPURAM AMSOM, ERANTHODE DESOM.

**BY ADVS.SRI.M.PASHOK KUMAR
SMT.BINDU SREEDHAR
SMT.R.S.MANJULA**

RESPONDENT(S)/COMPLAINANT/STATE :

1. STATE OF KERALA,
THROUGH STATION HOUSE OFFICER,
PERINTHALMANNA POLICE STATION, MALAPPURAM DISTRICT,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031.
 - * ADDITIONAL R2 IMPEADED.
 2. RAVINDRAN C., S/O.K.NARAYANA MENON,
CHELNAT HOUSE, ERAVIMANGALAM,
MALAPPURAM DISTRICT.
 - * ADDITIONAL R2 IMPEADED AS PER ORDER DTD.6.8.2015 IN CRL.MA.7322/15
- R1 BY PUBLIC PROSECUTOR SMT. REMA R.
R(SUPPL.R2) BY ADV. SRI.K.MOHANAKANNAN**

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
06-08-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

K. ABRAHAM MATHEW, J.

B.A. No.4479 of 2015

Dated this the 6th day of August 2015

O R D E R

Petition filed under Section 438 Cr.P.C.

2. Petitioners are accused in Crime No.876 of 2015 of Perinthalmanna Police station registered for the offences under Sec.420 read with Sec.34 of the Indian Penal Code, Secs.3 and 7 read with Sec.17 of the Money Lenders Act and Sec.4 of the Prohibition of Charging Exorbitant Interest Act. The prosecution case is that in 2000, the first informant borrowed Rs.50,000/- (Rupees fifty thousand only) from the petitioners and as a security he executed a sale deed in respect of his property in favour of the petitioners. The petitioners undertook to reconvey the property when the amount was repaid. The first informant paid Rs.2,00,000/- (Rupees two lakhs only) to the first petitioner and Rs.2,40,000/- (Rupees two lakh forty thousand only) to the second petitioner but they are not willing to reconvey the property.

3. Heard the learned counsel for the petitioners,

counsel for the first informant and the learned Public Prosecutor.

4. The alleged transaction took place in the year 2000. The Police was informed only on 04.07.2015. The inordinate delay of more than ten years cannot be ignored. For this reason alone I am inclined to grant their prayer.

In the result, the bail application is allowed.

1) The petitioners shall be released on bail after interrogation on their executing a bond for Rs.50,000/- (Rupees fifty 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 surrender their passports before the lower court concerned or if they do not have the one, file affidavits to that effect.

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

5) They shall not destroy or tamper with evidence nor shall they get themselves involved in any other criminal case.

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

7) They 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 petitioners surrender 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