

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

WEDNESDAY, THE 19TH DAY OF AUGUST 2015/28TH SRAVANA, 1937

Bail Appl..No. 4654 of 2015

CRIME NO. 1111/2015 OF SASTHAMCOTTA POLICE STATION , KOLLAM

PETITIONER(S)/ACCUSED:

- 1. SINDHU RADHAKRISHNAN, AGED 44 YEARS,
SHINE JEWELLERY, ADOOR, SHINE BHAVAN,
KONNAMANKARA, ADOOR.**
- 2. SIVADASAN ACHARI,
MYTHRI NAGAR NO. 142, AGED 63 YEARS,
HARI NIVAS, KOTTARAKKARA TALUK,
KOTTARAKKARA.**

**BY ADVS.SRI.K.SASIKUMAR
SRI.M.VIJESH KUMAR
SRI.S.ARAVIND
SRI.R.ROHITH**

RESPONDENT(S):

**STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA AT ERNAKULAM - 682 031.**

BY PUBLIC PROSECUTOR SRI.C.RASHEED

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 19-08-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

K. ABRAHAM MATHEW, J.

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B.A.No. 4654 of 2015

Dated this the 19th day of August, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioners are 1st and 2nd accused in Crime No. 1111 of 2015 of Sasthancottah Police Station. They are said to have committed the offence under Section 420 read with Section 34 of the Indian Penal Code and Section 3 and 4 read with Section 17 of the Kerala Money Lenders Act 1958.

3. The prosecution case is that they were doing money lending business without licence and though the victim who had borrowed Rs.1,70,000/- from them in 2012 paid back Rs.2,90,000/- they still demanded more money and filed a suit after effecting material alterations in the signed blank cheque and signed stamped document he had issued as security.

4. Heard.

5. On 10.07.2015, a search was conducted in the premises of the petitioners. No incriminating material was seized. There is no allegation that the petitioners are involved in any other transaction like the present one. They have already filed a suit against the victim. In the light of these facts, I am inclined to

grant their prayer.

In the result, this application is allowed.

- 1)The petitioners shall be released on bail 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 surrender their passports before the lower court concerned or if they do not have one, they shall file affidavits to that effect within five days of their release.*
- 3)They shall not leave India without the previous permission of the court of enquiry or trial court, as the case may be.*
- 4)They shall appear before the Investigating Officer between 10 a.m. and 11 a.m. every alternate Wednesdays in September, 2015.*
- 5)They shall not intimidate or attempt to influence the witnesses.*
- 6)They shall not destroy or tamper with evidence.*
- 7)They shall not get themselves involved in any other criminal case while they are on bail.*
- 8) They shall co-operate with investigation of the case.*

If the petitioners surrender before the Magistrate this order is not applicable and the learned Magistrate may pass appropriate orders.

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

Sd/-

**K. ABRAHAM MATHEW,
JUDGE**

DST

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P.A. To Judge