

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

THURSDAY, THE 13TH DAY OF AUGUST 2015/22ND SRAVANA, 1937

Bail Appl.No. 4785 of 2015

CRIME NO. 769/2015 OF THENMALA POLICE STATION, KOLLAM
.....

PETITIONER(S)/ACCUSED:

**K.M.HASSANKUTTY, AGED 63 YEARS,
S/O.LATE MEERAPILLAI RAWTHER, SHEMI MANZIL, EDAMON P.O.,
NOW RESIDING AT ZUNU MANZIL, NEAR AL-AMAN SCHOOL,
PATHANAPURAM.P.O., KOLLAM DISTRICT.**

**BY ADVS.SRI.MANOJ RAMASWAMY
SMT.V.SREEJA**

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR.
HIGH COURT OF KERALA, ERNAKULAM-682 031.**
- 2. THE SUB INSPECTOR OF POLICE,
THENMALA POLICE STATION, KOLLAM DISTRICT-691 308.**

BY PUBLIC PROSECUTOR SRI.C.RASHEED

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
13-08-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

K.ABRAHAM MATHEW, J.

.....
B.A.No.4785 of 2015

.....
Dated this the 13th day of August, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioner, who is the accused in Crime No.769 of 2015 of Thenmala Police Station registered for the offences under Sections 420, 506(1) and Section 3 and 4 read with Section 17 of the Kerala Money Lenders Act, apprehends that he will be arrested by the police. The prosecution case is that he was conducting money lending business without licence and though he received the full amount from the first informant, who had borrowed Rs.1,00,000/- from him on the security of two signed blank cheques, he filed a complaint against the petitioner on the allegation that he issued two cheques for Rs.50,000/- each, which were signed blank cheques the petitioner had given as security.

3. Heard both sides.

4. Apart from the transaction alleged in the first information statement, there is no evidence that the petitioner was

involved in any other transactions. The petitioner has already issued a notice to the first informant under Section 138 of the Negotiable Instruments Act. In the light of these facts, I am inclined to grant the prayer of the petitioner.

5. In the result, this application is allowed.

- 1) The petitioner shall be released on bail on his executing a bond for Rs.25,000/- (Rupees twenty five thousand only) with two solvent sureties each for the like sum if he is arrested by the Police in connection with this case.
- 2) He shall surrender his passport before the lower court concerned or if he does not have one, he shall file an affidavit to that effect within five days of his release.
- 3) He shall not leave India without the previous permission of the court of enquiry or trial court as the case may be.
- 4) He shall appear before the Investigating Officer for interrogation if he is so required by him in writing.
- 5) He shall appear before the Investigating Officer between 10 a.m. and 11 a.m. on 2nd and 4th Saturdays of September, 2015.
- 6) He shall not intimidate or attempt to influence the witnesses.

- 7)He shall not destroy or tamper with evidence.
- 8)He shall not attempt to contact or communicate with the victim.
- 9)He shall not get himself involved in any other criminal case while he is on bail.

If the petitioner surrenders 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

AMV/13/08/

/TRUE COPY/

P.A.TO JUDGE