

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 16TH DAY OF SEPTEMBER 2015/25TH BHADRA, 1937

Bail Appl..No. 5483 of 2015 ()

**CRIME NO. 653/2015 OF MARADU POLICE STATION,
ERNAKULAM DISTRICT**

PETITIONER :

**SUNITHA K.S., AGED 43 YEARS,
D/O. SREEDHARAN, KOLLAMPARAMBIL,
PALLURUTHY, PERUMBADAPPU, KOCHI - 6
AND PRESENTLY RESIDING AT KALIYATHU HOUSE,
ST. JAMES ROAD, THAIKUDAM, VYTTLA, KOCHI.**

**BY ADVS.SRI.N.KRISHNA PRASAD
SRI.P.RAVINDRA NATH
SRI.IMAM GRIGORIOS KARAT**

RESPONDENTS :

- 1. STATE OF KERALA,
REPRESENTED BY ITS PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. THE STATION HOUSE OFFICER,
MARAD POLICE STATION, ERNAKULAM DISTRICT.**

R1 & R2 BY PUBLIC PROSECUTOR SRI. C. RASHEED

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 16-09-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

A.HARIPRASAD, J.

B.A.No.5483 of 2015

Dated this the 16th day of September, 2015

ORDER

Application filed under Section 438 of the Code of Criminal Procedure.

2. Petitioner, the sole accused in Crime No.653 of 2015 of Marad Police Station registered for the offences punishable under Sections 13, 17 and 19 of the Kerala Money Lenders Act, 1958 and Section 3 of the Kerala Prohibition of Charging Exorbitant Interest Act, 2012, apprehends arrest and has filed this application.

3. Heard the learned counsel for the petitioner and the learned Public Prosecutor.

4. Learned counsel for the petitioner submitted that due to personal acquaintance with the *de facto* complainant, who is a business man, the *de facto* complainant prompted the petitioner to make investment in a business. In fact, the petitioner would contend that it was not a question of lending money, but her investment was purported to be returned by way of cheques, which

was dishonoured. A case under Section 138 N.I. Act was about to be filed. At that time, this complaint came up.

5. Learned Public Prosecutor opposed this contention and submitted that she advanced money to the *de facto* complainant at an exorbitant rate of interest.

6. Having regard to the circumstances of the case, I am inclined to think that custodial interrogation of the petitioner is not required. Hence, I am inclined grant relief to the petitioner but subject to the conditions.

(a) Petitioner shall surrender before the Investigating Officer within a period of 'two weeks' from today and submit herself for interrogation. Thereafter, she shall be released on bail on her executing a bond for ₹25,000/- (Rupees Twenty Five Thousand Only) with two solvent sureties for the like sum to the satisfaction of the Investigating Officer.

(b) The petitioner shall appear before the Investigating Officer as and when required

for the purpose of interrogation.

- (c) The petitioner shall co-operate with the investigation of the case.
- (d) The petitioner shall not intimidate or attempt to influence the witnesses.
- (e) The petitioner shall not in any manner interfere or meddle with the investigation.
- (f) Petitioner shall not, during the period of this bail get involved in any offence.

In case any of the above conditions is violated, bail granted hereby is liable to be cancelled for which the investigating officer may move application before the jurisdictional magistrate.

Sd/-

A.HARIPRASAD, JUDGE.

AS

/True Copy/

P.A. to Judge