

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V

THURSDAY, THE 15TH DAY OF OCTOBER 2015/23RD ASWINA, 1937

Bail Appl..No. 5569 of 2015

CRIME NO. 590/2015 OF PUDUNAGARAM POLICE STATION, PALAKKAD

PETITIONER(S)/ACCUSED 1 AND 3:

- 1. SIVARAMAN, AGED 74 YEARS,
S/O.VELAYUDHAN, KAILASAM, MUTTICHIRA,
VADAVANNUR, CHITTUR TALUK, PALAKKAD DISTRICT.**
- 2. MURUKAN, AGED 50 YEARS,
S/O.CHELLAN, MALAYAMPALLAM, VADAVANNUR,
CHITTURTALUK, PALAKKAD DISTRICT.**

BY ADV. SRI.RAJESH SIVARAMANKUTTY

RESPONDENT(S)/COMPLAINANT:

**STATE OF KERALA
REP. BY SUB INSPECTOR OF POLICE
PUDUNAGARAM POLICE STATION, PALAKKAD DISTRICT
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SRI.RAJESH VIJAYAN

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
15-10-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

RAJA VIJAYARAGHAVAN.V. J

B.A.5569 of 2015

Dated 15th October, 2015

ORDER

- 1.This is a petition filed u/s 438 of the Code of Criminal Procedure.
- 2.The petitioners are accused Nos.3 and 2 respectively in crime No.590 of 2015 of Pudunagaram police station, Palakkad District which is seen registered u/s 3 and 17 of the Kerala Money Lenders Act and S.3 of the Kerala Prohibition of Charging Exorbitant Interest Act.
- 3.The allegation is that the informant had borrowed a sum of Rs.4,00,000/- in the month of January , 2011 from one Manikkan who is accused No.1 in the crime and the informant had given certain documents by way of security which included blank cheque leaves and promissory notes. Later, though a sum of Rs.11,20,000/- was re-paid, the cheque leaves and pro-notes were not returned. It was in the said circumstances that the complaint dated 7.4.2015 was

filed based on which the instant crime was registered. It is alleged that the petitioners were with Manikkan when the amount was advanced.

4.I have heard the learned counsel appearing for the petitioners as well as the learned Public Prosecutor.

5.The learned counsel appearing for the petitioners has pointed out that Annexure-C is the complaint originally preferred by the informant before the Nodal Officer, Kubera in which his specific case is that the transaction was between the informant and the 1st accused. It is pointed out that the learned Sessions Judge, Palakkad, as per Annexure-F order has granted anticipatory bail to the said accused. The petitioners stand on the same footing, according to the learned counsel.

6.Per contra, the learned Public Prosecutor has vehemently opposed the application for anticipatory bail and submitted that the facts and circumstances will not entitle the petitioners to secure an order of

anticipatory bail.

7. After having considered the rival submissions, the nature and gravity of the allegations, the antecedents of the petitioners and the stage of investigation, I am of the considered view that anticipatory bail can be granted to the petitioners by imposing appropriate conditions.

8. In the result, this application is allowed , but subject to the following conditions:

i). The petitioners shall be released on bail after interrogation on their executing a bond for 25,000/- each with two solvent sureties each for the like sum if they are arrested by the Police in connection with this case.

ii). The petitioners shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/ her from disclosing such facts to the court or to any police officer.

iii). The petitioners shall make themselves available for interrogation as and when required by the investigating officer.

iv). The petitioners shall not influence or intimidate the prosecution witnesses or attempt to tamper with the evidence for the prosecution.

v). The petitioners shall not commit any similar offence while on bail.

vi). The petitioners shall not leave India without the previous permission of the jurisdictional magistrate.

vii). In case of violation of any of the above conditions, the jurisdictional magistrate shall be empowered to cancel the bail in accordance with law.

This application is allowed as above.

Sd/-
RAJA VIJAYARAGHAVAN.V.
Judge

MrCs

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P.S. To Judge