

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

TUESDAY, THE 29TH DAY OF SEPTEMBER 2015/7TH ASWINA, 1937

Bail Appl..No. 5650 of 2015

CRIME NO. 539/2015 OF BALUSSERY POLICE STATION , KOZHIKODE

PETITIONER(S)/ACCUSED (IN CUSTODY) :

**RAJEEESH KUMAR C.P., AGED 28 YEARS,
MANAGING DIRECTOR,
SREE JANATHA AKSHAYA CHITS PVT. LTD., MUBEENA COMPLEX,
NEAR K.K.HOSPITAL, BALUSSERY, CALICUT- 673 623.**

**BY ADVS.SRI.A.RAJASIMHAN
SRI.K.NIRMALAN**

RESPONDENT(S)/STATE :

**STATE OF KERALA,
THROUGH THE SUB INSPECTOR OF POLICE,
BALUSSERY POLICE STATION, KOZHIKODE,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT.R.REMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 29-09-2015, ALONG WITH BA.NO.5816/2015 AND BA.NO.5820/2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Msd.

A. HARIPRASAD, J.

**Bail Appl. Nos.5650, 5816
and 5820 of 2015**

Dated this the 29th day of September 2015

O R D E R

Bail applications filed under Sec.439 of Cr.P.C.

2. Petitioner is accused in Crime No.539 of 2015 of Balussery Police station, Crime No.806 of 2015 of Nadakkavu Police station and Crime No.323 of 2015 of Mukkom Police station, Kozhikode. In Crime No.539 of 2015 of Balussery Police station, the offences alleged are under Secs.420 of the Indian Penal Code and Secs.3 and 17 of the Kerala Money Lenders Act. The other two crimes are registered for the offences under Secs.406 and 420 of the Indian Penal Code.

3. The prosecution allegation, common in all the cases, is that the petitioner along with the other accused persons were conducting money lending business without any authority and thereby, they have collected huge amounts from the depositors promising attractive rate of interest. When some of the depositors asked for money,

they failed to return it. Ensued search conducted in the premises of the accused revealed possession of so many blank cheque leaves and agreements.

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

5. Learned counsel for the petitioner submitted that the petitioner is innocent of all the allegations. It is submitted that the petitioner is the Managing Director of a registered company running the business in chit funds. There is no violation of any law according to him. The blank cheque leaves and other documents were taken from the subscribers of the chit funds who have priced chitty as security. There is nothing illegal in that.

6. Per contra, the learned Public Prosecutor contended that the chitty itself was unauthorized.

The petitioner was arrested on 31.08.2015 and has been in custody since then. Considering the nature of allegations and the period of custody, bail is granted to the petitioner in all the cases with the following conditions.

i. The petitioner shall be released on bail on his executing bonds for Rs.25,000/- (Rupees twenty five thousand only) in each case with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate having jurisdiction.

ii. The sureties shall be the persons permanently residing in the State of Kerala and shall produce documents to establish their identity and solvency.

iii. The petitioner shall appear before the Investigating Officer between 10.00 a.m. and 11.00 a.m. on every Monday and Thursday until final report is filed.

iv. The petitioner shall not intimidate or attempt to influence the witnesses, nor shall he tamper with the evidence.

v. The petitioner shall not involve in any other offence during the period of bail.

In case of violation of any of the above

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conditions, the learned Magistrate is empowered to
cancel the bail in accordance with law without referring
the matter to this Court.

Sd/-
A. HARIPRASAD
JUDGE

/ True Copy /

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P.A. To Judge