

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V

MONDAY, THE 19TH DAY OF OCTOBER 2015/27TH ASWINA, 1937

Bail Appl..No. 5979 of 2015

CRIME NO. 1094/2015 OF MALA POLICE STATION, THRISSUR

PETITIONER(S)/ACCUSED:

**BIJU T.A. @ JOSEPH, AGED 40 YEARS,
S/O.ANTONY, THATTAKATHU HOUSE, POYYA.P.O.,
KODUNGALLOOR, THRISSUR DISTRICT-680 733.**

BY ADV. SRI.C.UNNIKRISHNAN (KOLLAM)

RESPONDENT(S)/RESPONDENT:

- 1. STATE OF KERALA,
REPRESENTED BY THE SUB INSPECTOR OF POLICE,
MALA POLICE STATION, THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA.**
- 2. BABU,
CHETTIPARAMBIL, ALATHUR.P.O., CHALAKKUDY,
THRISSUR-680 741.**

R1 BY PUBLIC PROSECUTOR SRI.RAJESH VIJAYAN

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 19-10-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

RAJA VIJAYARAGHAVAN V, J.

B.A.No.5979 of 2015

Dated this the 19th day of October, 2015

O R D E R

This is an application for anticipatory bail filed under S.438 of the Code of Criminal Procedure.

2. The petitioner is the accused in Crime No.1094/2015 of Mala Police Station. The said crime has been registered for offence punishable under S.420 and 406 of the IPC, S.17 of the Money Lenders Act, 1958 and S.5 of the Kerala Prohibition of Charging Exorbitant Interest Act, 2012.

3. The prosecution allegation is that, the informant had borrowed some amount from the petitioner in the year 2012 and towards security, the petitioner had insisted that a sale deed in respect of a property owned by the

informant, be executed in his favour. Even though a sum of Rs.6,00,000/- was repaid by the informant in due course, the petitioner has not cared to re-convey the property.

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

5. The learned counsel appearing for the petitioner has submitted that he had approached this court on previous occasions and as is borne out by Annexures A1 and A2 orders, based on instructions received, the matters were closed holding that the dispute is purely civil in nature.

6. The learned Public Prosecutor, on the other hand, submitted that the petitioner is an inveterate money lender and that he has harassed the informant and the offense is squarely attracted.

7. After having perused the materials on record and

taking note of the nature and gravity of the allegations, the antecedents of the petitioner and the stage of investigation, I am of the considered view that this is not a case wherein custodial interrogation of the petitioner is warranted. In view of the same, I am of the considered view that anticipatory bail can be granted to the petitioner by imposing appropriate conditions:

i). The petitioner shall be released on bail after interrogation on his executing a bond for 25,000/- with two solvent sureties for the like sum if he is arrested by the Police in connection with this case.

ii). The petitioner 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 petitioner shall make himself available for interrogation as and when

required by the investigating officer.

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

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

vi). The petitioner 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.**

Bb

[True copy]

P.A to Judge