

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

THURSDAY, THE 29TH DAY OF OCTOBER 2015/7TH KARTHIKA, 1937

Bail Appl..No. 6790 of 2015

CRIME NO. 421/2015 OF KASARAGOD POLICE STATION, KASARAGOD
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PETITIONER(S)/ACCUSED 1 AND 2:

- 1. C.A.ABDUL NASIR, AGED 41 YEARS,
S/O.ABDULLA, RESIDING AT CHINNAMOGRU,
MANGALPADI VILLAGE, MANJESHWAR TALUK,
KASARAGOD DISTRICT.**
- 2. ABDUL LATHEEF A., AGED 37 YEARS,
S/O.ABDUL KHADER, RESIDING AT CHINNAMOGRU,
MANGALPADI VILLAGE, MANJESHWAR TALUK,
KASARAGOD DISTRICT.**

**BY ADVS.SRI.T.MADHU
SMT.C.R.SARADAMANI**

RESPONDENT(S)/STATE:

**THE STATE OF KERALA,
THROUGH THE STATION HOUSE OFFICER,
KASARAGOD POLICE STATION, KASARAGOD DISTRICT,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031.**

BY SENIOR PUBLIC PROSECUTOR SRI.C.RASHEED

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
29-10-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

A.HARIPRASAD, J.

B.A No.6790 of 2015

Dated this the 29th day of October, 2015.

ORDER

Application for pre-arrest bail under Section 438 Cr.P.C.

2. Petitioners are accused Nos.1 and 2 in Crime No.421 of 2015 of Kasaragod Police Station registered for offences punishable under Sections 420 I.P.C and Sections 3 and 17 of the Kerala Money Lenders Act.

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

4. Prosecution case, in short, is that the defacto complainant borrowed an amount of Rs.2,00,000/- in the year 2001 from the petitioners and the petitioners had extracted exorbitant interest from the defacto complainant and also got a property transferred in their name by exerting pressure.

5. Learned counsel for the petitioners submitted that if at all the prosecution allegation is taken in its entirety, it can only be a civil dispute between the parties. Custodial

interrogation of the petitioners is not necessary in this case.

After hearing the counsel on both sides, I am of the view that

bail can be granted to the petitioners. Hence, following

directions are made :

1. Petitioners shall surrender before the investigating officer within a period of one week from today and submit themselves for interrogation. In that event, the petitioners shall be released on bail on executing a bond for Rs.25,000/- each (Rupees twenty five thousand only) with two solvent sureties each for the like sum to the satisfaction of the Investigating Officer.
2. The sureties shall produce documents to establish their identity and solvency.
3. Petitioners shall appear before the Investigating Officer as and when directed.
4. Petitioners shall not influence or intimidate witnesses.

If any of the above conditions is violated by the petitioners,
the learned Magistrate having jurisdiction is free to cancel the bail.

Sd/-
A.HARIPRASAD,
JUDGE.