

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

TUESDAY, THE 17TH DAY OF NOVEMBER 2015/26TH KARTHIKA, 1937

Bail Appl..No. 7045 of 2015

CRIME NO. 139/2015 OF SHORNUR POLICE STATION , PALAKKAD

PETITIONER(S) :

**MANOJ KUMAR, AGED 40 YEARS,
S/O.V.K.BALAKRISHNAN, GOVINDA NIVAS, MEZHATHUR,
THRITHALA P.O, PATTAMBI TLAUK, PALAKKAD DISTRICT.**

BY ADV. SRI.P.JAYARAM

RESPONDENT(S) :

**STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY SR.PUBLIC PROSECUTOR SRI.C.RASHEED

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 17-11-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

Msd.

A.HARIPRASAD, J.

B.A. No.7045 of 2015

Dated this the 17th day of November, 2015

ORDER

Application under Section 438 of the Code of Criminal Procedure.

2. First accused in Shornnur Police Station Crime No.139 of 2015 registered alleging offences punishable under Section 420 read with Section 34 of the Indian Penal Code and Section 3 read with Section 18(A) and 6(A) and Rule 3 read with Rule 17 of the Kerala Money Lenders Act seeks pre-arrest bail.

3. Prosecution case is that the petitioner advanced an amount of ₹9,000/- to the defacto complainant in the month of June, 2013. Thereafter he obtained signed blank cheques and filled up the cheques by showing an amount of ₹3,65,000/-. Since a lawyer notice was issued, the defaco complainant was constrained to file a complaint against the petitioner under the said provisions.

4. Heard both sides.

5. Learned Prosecutor submitted that the defacto complainant in spite of paying off huge amount, is called up to pay an exorbitant amount

without any basis. Further, the petitioner has no licence to conduct money lending business.

6. Learned counsel for the petitioner submitted that the grievance of the petitioner is that the amount borrowed from him was not returned by the defacto complainant.

Considering the nature of allegations, following directions are issued:

i. Petitioner shall surrender before the investigating officer within a period of two weeks and submit himself for interrogation. Thereafter he shall execute a bond for ₹25,000/- (Rupees twentyfive thousand only) with two solvent sureties each for the like sum to the satisfaction of the investigating officer. In that event, he shall be released on bail in Crime No.139 of 2015 of Shornnur Police Station.

ii. The sureties shall produce documents to establish their identity and solvency. The investigating officer shall not insist on the solvency certificate, but other documents can also be perused to find out whether the sureties are solvent or not.

iii. Petitioner shall appear before the investigating officer as and when directed in writing and co-operate with the investigation in the matter.

iv. He shall not influence or intimidate the witnesses.

In case of violation of any of the above conditions, the officer concerned is free to arrest the petitioner as if no order is passed.

A. HARIPRASAD, JUDGE.

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