IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 14TH DAY OF JANUARY 2015/24TH POUSHA, 1936

Bail Appl..No.8612 of 2014

CRIME NO.1198/2014 OF MANNAR POLICE STATION,ALAPPUZHA DISTRICT.

PETITIONERS/ACCUSED PERSONS:

1. KARTHIKA A. PILLAI @ KUMARY,AGED 60 YEARS,
   W/O.AMBIKATMAJADAN PILLAI,KUMBALATHU HOUSE,
   CHENNITHALA SOUTH,MAVELIKARA,ALAPPUZHA-690 105.

2. AMBIKATMAJADAN PILLAI, AGED 65 YEARS,
   KUMBALATHU HOUSE,CHENNITHALA SOUTH,
   MAVELIKARA,ALAPPUZHA-690 105.

3. MANIKANDAN,AGED 37 YEARS,
   DEVIKRIPA,MANAKKARA,
   SASTHAMCOTTA P.O.KOLLAM-690 521.

BY ADVS.SRI.P.B.SAHASRANAMAN
SRI.T.S.HARIKUMAR
SRI.K.JAGADEESH

RESPONDENTS/STATE:

1. THE STATE OF KERALA,
   REPRESENTED BY PUBLIC PROSECUTOR,
   HIGH COURT OF KERALA,
   ERNAKULAM-682 031.

2. THE SUB INSPECTOR OF POLICE,
   OACHIRA POLICE STATION,
   KOLLAM DISTRICT-690 526.

R1 & R2 BY PUBLIC PROSECUTOR SRI.SREEJITH V.S.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 14-01-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

pk

B.KEMAL PASHA, J.

- -

B.A.No.8612 of 2014 B

- -

Dated this the 14th day of January 2015

ORDER

Petition under Section 438 Cr.P.C.

2. Petitioners are accused Nos.1 to 3 in Crime No.1198/2014 of Mannar Police Station, presently pending investigation for the offences under Sections 3 and 4 of the Kerala Prohibition of Charging Exorbitant Interest Act 2012, Section 17 of Kerala Money Lenders Act and Sections 420, 465 and 506(i) read with Section 34 of the Indian Penal Code.

3. The allegation against the petitioners is that the de-facto complainant has borrowed an amount of Rs.50,000/- in the year 2004 from petitioners 1 and 2 and the de-facto complainant and her husband had repaid the whole amount, with interest in the year 2008. It is alleged that in the year 2006, petitioners 1 and 2

had trespassed into the house of the de-facto complainant and forcibly taken away a cheque leaf and by making use of the same, they caused to file a complaint against the de-facto complainant through the third petitioner.

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

5. It has been reported that the third petitioner is removed from the party array. Hence, as far as the third petitioner is concerned, this bail application is not maintainable.

6. Regarding petitioners 1 and 2, the case against them is that they had taken away a cheque leaf of the de-facto complainant and caused to file a complaint through the third petitioner. It seems that the investigation has not revealed any nexus between the third petitioner and petitioners 1 and 2, and the Investigating Officer has removed the third petitioner from the array of the accused. Considering the facts and circumstances of this case and the

present stage of investigation, I do not think that custodial interrogation of petitioners 1 and 2, is required for the continued investigation of this case. Matters being so, I am of the view that this is a fit case wherein anticipatory bail can be granted to petitioners 1 and 2.

7. In the result, this bail application is allowed in part and the investigating officer or such other police officer, who is conducting the arrest of the petitioners, is directed to enlarge the petitioners 1 and 2 on bail in the event of their arrest on each of them executing a bond for Rs.25,000/- (Rupees twenty five thousand only) with two solvent sureties each for the like sum to the satisfaction of the officer conducting arrest, and subject to the following terms and conditions:-

(i) Petitioners 1 and 2 shall report before the investigating officer in between 9 a.m. and 11 a.m. on all Wednesdays and Saturdays, commencing from 21.01.2015 for a period of three months or till the filing

of the final report in this case, whichever is earlier.

(ii) Petitioners 1 and 2 shall not tamper with the evidence or influence witnesses.

(iii) Petitioners 1 and 2 shall make themselves available for interrogation as and when required by the investigating officer.

(iv) Petitioners 1 and 2 shall not involve in any offence while on bail.

It is made clear that the violation of any of the conditions stipulated above will result in the cancellation of bail.

As far as the third petitioner is concerned, this bail application is dismissed.

Sd/-
B.KEMAL PASHA,
JUDGE

dl

// TRUE COPY //

PA to Judge