

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

THURSDAY, THE 25TH DAY OF JUNE 2015/4TH ASHADHA, 1937

Bail Appl..No. 8994 of 2014 ()

CRIME NO. 565/2014 OF ULIKKAL POLICE STATION, KANNUR DISTRICT

PETITIONER/IST ACCUSED :

**P.K.SURENDRAN
S/O.KRISHNAN, AGED 33 YEARS
POOKKNADY HOUSE, PARIKKALAM
ULIKKAL P.O., IRITTY TALUK,
KANNUR DISTRICT.**

**BY ADVS.SRI.C.P. PEETHAMBARAN
SMT.MINI V.A.**

RESPONDENT/COMPLAINANT :

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

BY PUBLIC PROSECUTOR SRI. C. RASHEED

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 25-06-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

K. ABRAHAM MATHEW, J.

B.A.No.8994 of 2014

Dated this the 25th day of June, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. The petitioner along with the co-accused is alleged to have committed the offences under Section 420 of Indian Penal Code and Section 17 of Kerala Money Lenders Act read with Section 4 of Kerala prohibition of Charging exorbitant Interest Act.

3. The prosecution case is that they were conducting money lending business without any licence and they charged exorbitant rate of interest from their borrowers and cheated them.

4. Heard.

5. The prosecution case is that the first informant borrowed from the petitioner Rs.50,000/- (Rupees Fifty thousand only) on the security of a signed blank cheque and a signed blank stamp paper. Though he paid back Rs.55,000/- (Rupees Fifty five thousand only) the petitioner gave the cheque leaf to the second accused, who falsely made entries in it showing that the amount owed by the first informant is Rs.5,00,000/- (Rupees Five lakhs

only) and on that basis a notice was issued to the first informant. In a search conducted by the police on 27.11.2014, a signed cheque leaf and a signed blank stamp paper were seized; prima facie, the petitioner is conducting money lending business, and admittedly without any licence. He is not entitled to the protection of Section 438 Cr.P.C.

In the result, this application is dismissed.

sd/-

K. ABRAHAM MATHEW
JUDGE

R.AV

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PA to Judge