

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 22ND DAY OF JANUARY 2015/2ND MAGHA, 1936

Bail Appl..No. 9193 of 2014 ()

CRIME NO. 2007/2014 OF KOTTAYAM WEST POLICE STATION, KOTTAYAM

PETITIONER/1ST ACCUSED :

**NIRMAL KUMAR, AGED 32 YEARS,
S/O. SAJEEVKUMAR, PUTHUPARAMBIL HOUSE,
MUTTAMBALAM, KOTTAYAM.**

BY ADV. SRI.M.J.THOMAS

RESPONDENT :

**SUB INSPECTOR OF POLICE
KOTTAYAM WEST POLICE STATION,
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 22-01-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

B. KEMAL PASHA, J.

B.A.No.9193 OF 2014

Dated this the 22nd day of January, 2015

O R D E R

Petition under Section 438 Cr.P.C.

2. Petitioner is the 1st accused in Crime No.2007/2014 of the Kottayam West Police Station registered for the offences punishable under Sections 294(b), 323, 506(ii), 363 and 384 read with 34 of Indian Penal Code and Sections 13 and 17 of the Kerala Money Lenders Act, 1958.

3. The allegation against the petitioner is that he used to conduct money lending business without any licence and on several occasions for the period from 5.11.2012, the de facto complainant had borrowed an amount of Rs. 50 lakhs from the petitioner by furnishing his title deed as security. According to the de facto complainant, he had repaid an amount of Rs.69,90,000/- and the documents were returned. It is alleged that again the petitioner demanded an amount of Rs. 51 lakhs more by way of repayment towards the transaction and the de facto complainant was being pestered and intimidated. It is alleged that, on 27.11.2014, by noon, the petitioner came to the

shop of the de facto complainant, abused him and forcefully taken him to car bearing Reg.No.KL-35-E-9017, by which he was taken to the house of the 2nd accused. By intimidating him by showing a chopper and by slapping him, the petitioner and A2 obtained two signed stamp papers for the denomination of Rs.100/- each and also obtained his signatures in two white papers on which revenue stamps were affixed.

4. Heard the learned counsel for the petitioner and the learned senior Public Prosecutor.

5. According to the learned counsel for the petitioner, the de facto complainant owes an amount of Rs.4 lakhs to the petitioner; but the petitioner has no documents with him to substantiate the claim. According to the petitioner, he has never obtained any documents from the de facto complainant or any signed stamp papers or white papers from him. It is also pointed out that even though the incident had allegedly occurred on 27.11.2014, the crime was registered on 9.12.2014 only.

6. The learned senior Public Prosecutor has pointed out that even though search was conducted at the premises of the petitioner and other accused, no documents could be traced out.

7. Considering the facts and circumstances of the case, I am of the view that this is a fit case, wherein anticipatory bail can be granted to petitioner.

8. In the result, this bail application is allowed and the investigating officer or such other police officer, who is conducting the arrest of the petitioner, is directed to enlarge the petitioner on bail in the event of his arrest on his executing a bond for ₹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) The petitioner shall report before the investigating officer in between 9 a.m. and 11 a.m. on all Thursdays and Monday, commencing from 29.1.2015 for a period of three months or till the filing of the final report in this case, whichever is earlier.
- (ii) The petitioner shall not tamper with the evidence or influence witnesses.
- (iii) The petitioner shall make himself available for

interrogation as and when required by the investigating officer.

- (iv) The petitioner 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.

sd/-

B.KEMAL PASHA, JUDGE.

ps/22/1/2015

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PA to Judge