Suresh Vs. State of Kerala

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SooperKanoon Citation : sooperkanoon.com/1012420

Court : Kerala

Decided On : Dec-31-2012

Judge : Honourable Mr.Justice P.Bhavadasan

Appellant : Suresh

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE P.BHAVADASAN MONDAY, THE 31ST DAY OF DECEMBER 2012 10TH POUSHA 193 Bail Appl..No. 9520 of 2012 () ---------------------------- CRMC.3054/2012 of D.C & SESSIONS COURT, PALAKKAD CRIME NO. 2432 OF 201.OF PALAKKAD TOWN SOUTH POLICE STATION APPLICANT/ACCUSED : ---------------------------- SURESH, AGED 4 YEARS S/O. RAJAN, SANGEETHA NIVAS, KODUNTHIRAPULLY PALAKKAD. BY ADVS.SRI.P.VIJAYA BHANU (SR.) SRI.VIPIN NARAYAN SMT.M.A.SHEEBA RESPONDENT/COMPLAINANT : --------------------------- STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR HIGH COURT OF KERALA, ERNAKULAM REPRESENTING THE S.I. OF POLICE PALAKKAD TOWN SOUTH POLICE STATION. R BY PUBLIC PROSECUTOR V S SREEJITH THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 31-12- 2012, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: P.BHAVADASAN, J --------------------------------------- B.A No.9520 of 2012 -- Dated this the 31st day of December, 2012

ORDER

The petitioner is the accused in Crime No.2432/2012 of Palakkad Town South Police Station for having committed offence punishable under Sections 3 r/w 17 of the Money Lenders Act, 1958.

2. The petitioner points out that he is an Auto Consultant and for that purpose he has received cheques, promissory notes and other documents from various clients. It is also pointed out that some of the documents were seized by the police and suo motu crime has been registered against the petitioner on the allegation that he is engaging in money lending business. The petitioner would say that the allegations are totally false and baseless.

3. The learned Public Prosecutor pointed out that several documents were seized from the workshop of the petitioner and that would see that he is engaging in money lending business.

4. On going through the CD it is seen that the petitioner had received cheques, identity cards, which according to the detecting officer, is sufficient to show that he is engaging in money lending business. But the cheque etc. could have well been received for various purposes as the petitioner holds out to be an auto consultant. A further probe into the matter is unwarranted at this point of time. B.A No.9520 of 2012 :

2. No register has appears to be seized. Considering the totality of circumstances it is felt that this is a fit case where extraordinary jurisdiction of this Court needs to be exercised in favour of the petitioner. The petition is allowed as follows: i) The petitioner shall surrender before the Investigating Officer on or before 9.1.2013, who after interrogation shall produce him before the JFCM concerned and on an application for bail moved by the petitioner, the learned Magistrate shall release the petitioner on bail on his executing a bond for a sum of Rs.15,000/- (Rupees fifteen thousand only) with two solvent sureties for the like sum each to the satisfaction of the said Court. ii) The learned Magistrate shall ensure the identity of the sureties and also the veracity of the tax receipts before granting bail. Iii) The petitioner shall appear before the Investigating Officer concerned for interrogation

as and when required by him until further orders. iv) The petitioner shall not tamper or attempt to tamper with the evidence or influence or try to influence the witness. v) If any of the condition is violated, the bail granted shall stand cancelled and the JFCM concerned, on being satisfied of the said fact, may take such proceedings as are available to him in law. P.BHAVADASAN ab Judge