

Mathukutty Vs. State of Kerala

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Court : Kerala

Decided On : May-28-2014

Judge : Honourable Mr.Justice Thomas P.Joseph

Appellant : Mathukutty

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE THOMAS P.JOSEPH WEDNESDAY, THE 28TH DAY OF MAY 2014 7TH JYAISHTA, 1936 Bail Appl..No. 3533 of 2014 ----- * CRIME NO. 833/2014 OF OCHIRA POLICE STATION , KOLLAM * CRIME NO. IS CORRECTED AS 832/2014 OF KARUNAGAPPALLY POLICE STATION, VIDE

ORDER

DATED 28/05/2014 IN CRL.M.A NO.4984 OF 2014 ----- PETITIONER/(* 2ND ACCUSED) * RANK OF THE ACCUSED IS CORRECTED AS SOLE ACCUSED, VIDE

ORDER

DATED 28/05/2014 IN CRL.M.A.NO.4984 OF 2014 MATHUKUTTY, AGED 75 YEARS, S/O.EAPPAN, 250, KOCHU VEETIL, 4 CHANGANKULANGARA, OACHIRA, KOLLAM DISTRICT. BY ADV. SRI.K.SIJU

RESPONDENT: STATE OF KERALA, THROUGH THE SUB INSPECTOR OF POLICE, OACHIRA POLICE STATION REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM BY PUBLIC PROSECUTOR SMT.LALIZA THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 28.05-2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: Msd. THOMAS P. JOSEPH, J.

----- Bail Appl. No.3533 of 2014
----- Dated this the 28th day of May 2014

ORDER

Petitioner is accused in Crime No.832 of 2014 of the Oachira Police station for the offences punishable under Sec.17 of the Kerala Money Lenders Act, apprehends arrest and has filed the application.

2. Learned Public Prosecutor has opposed the application. It is submitted that, on getting information that the petitioner is engaged in money lending without authority, the Police searched house of the petitioner and seized several documents including a signed blank cheque.

3. Learned counsel submitted that the documents are of the year 2007 and that for the last 8 years the petitioner is not doing any business. He is now aged about 78 years.

4. Having regard to the relevant circumstances, I am inclined to issue directions. The application is disposed of as under.

1. Petitioner shall surrender before the officer investigating Crime No.832 of 2014 of Bail Appl. No.3533 of 2014 2 the Oachira Police station on 04.06.2014 at 10.00 am for interrogation.

2. In case interrogation of the petitioner is not completed that day, it is open to the investigating officer to direct presence of the petitioner on any other day/days and time which the petitioner shall comply.

3. Petitioner shall co-operate with investigation of the case.

4. In case arrest of the petitioner is recorded, he shall be produced before the jurisdictional magistrate the same day.

5. On such production learned magistrate shall release the petitioner on bail (if not required to be detained otherwise) on his executing bond for Rs.20,000/- (Rupees twenty thousand only) with two sureties for the like sum each to the satisfaction of the learned magistrate and subject to the following conditions: a) One of the sureties shall be a close Bail Appl. No.3533 of 2014 3 relative of the petitioner. b) Petitioner shall report to the investigating officer as and when required for interrogation. c) Petitioner shall not get involved any offence during the period of this bail. d) Petitioner shall not influence or intimidate the witnesses. e) Petitioner shall not engage in money lending business without obtaining permission from the appropriate authorities. g) In case any of condition nos.(b) to (e) is violated, it is open to the investigating officer to file application before the learned magistrate for cancellation of the bail granted hereby, as held in P.K. Shaji V. State of Kerala (AIR 2006 SC100. Sd/- THOMAS P. JOSEPH JUDGE /True Copy / NS P.A. To Judge

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