

Kuppuswami Vs. State of Kerala

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Court : Kerala

Decided On : Jun-10-2014

Judge : Honourable Mr.Justice Thomas P.Joseph

Appellant : Kuppuswami

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE THOMAS P.JOSEPH TUESDAY, THE 10TH DAY OF JUNE 2014 20TH JYAISHTA, 1936 Bail Appl..No. 3825 of 2014 ()
----- CRIME NO.599 OF 2014 OF CHENGAMANAD POLICE STATION PETITIONERS: ----- 1. KUPPUSWAMI AGED 33 YEARS S/O.CHELLAMUTHU, BUSINESS, RESIDING AT HOUSE NO.18/245 PALLURUTHY, RAMESWARAM VILLAGE KOCHI TALUK PIN 682006.

2. VIMAL RAJ C AGED 33 YEARS S/O.CHINNASWAMI, ANGEL CLINIC, DIVERA ROAD THOTTUKADA, THOPPUMPADI. BY ADVS.SMT.P.K.RADHIKA SMT.ALISHA MATHEW RESPONDENTS: ----- 1. STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR HIGH COURT OF KERALA, ERNAKULAM 682031.

2. THE SUB INSPECTOR OF POLICE PALLURUTHY POLICE STATION REPRESENTED BY THE PUBLIC PROSECUTOR HIGH COURT OF KERALA

ERNAKULAM682031. BY PUBLIC PROSECUTOR: ADV. LALIZA THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON1006-2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: THOMAS P.JOSEPH, J.

===== B.A.No.3825 of 2014
===== Dated this the 10th day of June, 2014

ORDER

Petitioners are accused in Crime No.599 of 2014 of the Chengamanad Police Station (initially the case was registered by the Palluruthy police as Crime No.739 of 2014 and later transferred to the Chengamanad Police) for the offences punishable under Sec.17 of the Kerala Money Lenders Act and Sec.9(a) r/w Sec.3 of the Kerala Prohibition of Charging Exorbitant Interest Act, apprehend arrest and have filed this application.

2. Learned Public Prosecutor has opposed the application. It is submitted that a case was registered on a complaint preferred by the de facto complainant alleging that he had borrowed `3,00,000/- from the petitioner and executed sale deed as security on condition that on payment of the amount with interest, the property will be re-conveyed but the petitioner has not re-conveyed the property inspite of payment of the amount due.

3. Learned counsel submits that the allegations are not true and that two civil cases are pending between the petitioner and the de facto complainant. B.A.No.3825 of 2014 2 4. Even as per the prosecution, no search or seizure has been made. Having regard to the relevant circumstances, I am inclined to think that custodial interrogation of the petitioners is not required. Hence I am inclined to grant relief but subject to conditions. The application is allowed as under: (i) Petitioners shall surrender before the officer investigating Crime No.599 of 2014 of the Chengamanad Police Station on 17.06.2014 at 10 a.m for interrogation. (ii) In case interrogation is not completed that day, it is open to the officer concerned to direct presence of the petitioners on other day/days and time as may be specified by him which the petitioners shall comply. (iii) In case arrest of the petitioners is

recorded, they shall be released by the arresting officer on bail (if not required to be detained otherwise) on their executing bond for `20,000/- (Rupees Twenty Thousand Only) each with two sureties each for the like sum each before the arresting officer and subject to the following conditions: (a) Petitioners shall not engage in money lending without obtaining permission from the appropriate authority. (b) Petitioners shall report to the officer investigating Crime No.599 B.A.No.3825 of 2014 3 of 2014 of the Chengamanad Police Station on all alternate Saturday between 10a.m and 12p.m for a period of two months or till final report is filed, whichever is earlier. (c) Petitioners shall report to the Investigating Officer as and when required for interrogation at reasonable time and place. (d) Petitioners shall not get involved in any offence during the period of this bail. (e) Petitioners shall not intimidate or influence the witnesses. (f) In case the petitioners violate any of condition Nos.(b) to (e), it is open to the investigating officer to move the jurisdictional magistrate for cancellation of the bail as held in P.K Shaji Vs. State of Kerala (AIR 2006 SC100. Sd/- THOMAS P.JOSEPH, JUDGE. Sbna True Copy P A to Judge

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