

Kamalan Vs. State of Kerala

Kamalan Vs. State of Kerala

SooperKanoon Citation : sooperkanoon.com/1152737

Court : Kerala

Decided On : Jun-20-2014

Judge : Honourable Mr.Justice Thomas P.Joseph

Appellant : Kamalan

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE THOMAS P.JOSEPH FRIDAY,THE20H DAY OF JUNE201430TH JYASHTA, 1936 Bail Appl..No. 4597 of 2014 ----- CRIME NO. 504/2014 OF KODUMON POLICE STATION , PATHANAMTHITTA DISTRICT ----- PETITIONER / ACCUSED (IN CUSTODY) : ----- KAMALAN, AGED68YEARS, S/O. GOPALAN, KARIAKAL HANI BHAVAN, LYCKADU MURI, KODUMON VILLAGE AND P.O., ADOOR TALUK. BY ADVS.SRI.K.RAVEENDRAN SRI.C.CHANDRASEKHARAN RESPONDENTS / STATE AND COMPLAINANT : -----

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

2. THE DISTRICT SUPERINTENDENT OF POLICE, PATHANAMTHITTA.

3. THE DEPUTY SUPERINTENDENT OF POLICE, ADOOR.

4. THE SUB INSPECTOR OF POLICE, KODUMON. BY PUBLIC PROSECUTOR SMT.LALIZA THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 2006-2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:
Msd. THOMAS P. JOSEPH, J.

----- Bail Appl. No.4597 of 2014
----- Dated this the 20th day of June 2014

ORDER

Petitioner is accused in Crime No.504 of 2014 of the Kodumon Police station for the offences punishable under Secs.420 and 471 of the Indian Penal Code, Sec.3 read with Sec.13 and 17 of the Money Lenders Act (for short, the Act), is in custody from 04.06.2014 and seeks bail.

2. Learned Public Prosecutor has opposed the application. It is submitted that the defacto complainant had borrowed Rs.8 lakhs from the petitioner and his property was conveyed to the petitioner on condition of its reconveyance on payment of the amount but the petitioner cheated the defacto complainant. It is submitted that the petitioner is engaged in money lending business without licence. It is also submitted that Crime No.293 of 2013 is registered against the petitioner for the offences under Bail Appl. No.4597 of 2014 2 Sec.13 and 17 of the Act.

3. Learned counsel submitted that the final report is filed in Crime No.293 of 2013 dropping investigation. It is submitted that apprehending Police harassment, the petitioner filed W.P.(C) No.29059 of 2013 in this Court which was disposed of as per Annexure A7 judgment dated 10.02.2014 wherein it is made clear that it is open to the petitioner to make application before the learned magistrate for return of original document (said to be referred to in the present case) 4. In the nature of allegations made against the petitioner, I am satisfied that further detention of the petitioner is not required for investigation. Hence I am inclined to grant bail to the petitioner but subject to conditions to prevent recurrence of such in future and to ensure that investigation is not affected. Application is allowed as under. Petitioner is granted bail in Crime No.504 of 2014 of the Kodumon Police station Bail Appl. No.4597 of 2014 3 and shall be released 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 jurisdictional magistrate and subject to the following conditions. a) One of the sureties shall be a close relative of the petitioner. b) Petitioner shall report to the officer investigating Crime No.504 of 2014 of the Kodumon Police station on every alternate Saturday between 10 a.m. and 12 p.m. for a period of two months or until filing of the final report, whichever is earlier. c) Petitioner shall report to the investigating officer as and when required for interrogation. d) Petitioner shall not engage in money lending business without obtaining permission from appropriate authority. e) Petitioner shall not get involved in any offence during the period of this bail. f) Petitioner shall not intimidate or influence the witnesses. g) In case any of condition nos.(b) to (f) 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

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com