

Binu .G Vs. State of Kerala

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Court : Kerala

Decided On : Jun-20-2014

Judge : Honourable Mr.Justice Thomas P.Joseph

Appellant : Binu .G

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE THOMAS P.JOSEPH FRIDAY, THE 20TH DAY OF JUNE 2014 30TH JYAISHTA, 1936 Bail Appl..No. 4434 of 2014 ()
----- CRIME NO. 560/2014 OF VALLIKKUNNAM POLICE STATION, ALAPPUZHA DIST. PETITIONERS/ACCUSED 1 2 & 4:-
----- 1. BINU .G., AGED 38 YEARS, S/O.GOPALA PILLAI, KALLUMUTTATHU, IDAKKUNNAM, CHARUMOOD. P.O., MAVELIKKARA.

2. RENUKA DEVI, AGED 28 YEARS, W/O.BINU, -DO- 3. VISWANATHAN, AGED 52 YEARS, S/O.VASUDEVAN, -DO- BY ADVS.SRI.R.SUNIL KUMAR, SMT.A.SALINI LAL. RESPONDENTS/COMPLAINANTS:-
----- STATE OF KERALA, REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM. BY PUBLIC PROSECUTOR MR.C. RASHEED. THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 2006-2014, THE COURT ON THE SAME DAY PASSED

THE FOLLOWING: rs. THOMAS P. JOSEPH, J.

----- Bail Appl. No.4434 of 2014
----- Dated this the 20th day of June 2014

ORDER

Accused nos.1,2 and 4 in Crime No.560 of 2014 of the Vallikunnam Police station registered for the offences punishable under Sec.420 read with Sec.34 of the Indian Penal Code and Sec.17 of the Money Lenders Act, apprehend arrest and have filed the application.

2. Learned Public Prosecutor has opposed the application. It is submitted that according to the defacto complainant, he had borrowed Rs.2 lakhs from the 1st accused who is engaged in money lending business and a sale deed was executed in the name of the 2nd accused, wife of the 1st accused as security on condition that the property would be re conveyed on repayment of the amount. The 4th accused is the broker for the said transaction. In spite of paying the entire amount, the accused have declined to re convey the property to the defacto complainant. Bail Appl. No.4434 of 2014 2 3. Learned counsel submitted that the allegations are not true. It is submitted that premises of the petitioners 1 and 2 were searched on 02.06.2014 but nothing incriminating could be seized. It is submitted that it is a property transaction and not security for any money transaction.

4. In the nature of allegations made and the investigation required to be done, I am inclined to think that custody of the petitioners is not required. Hence, I am inclined to grant relief to the petitioners but subject to conditions. Application is allowed as under:

1. Petitioners shall surrender before the officer investigating Crime No.560 of 2014 of the Vallikunnam Police station on 27.06.2014 at 10.00 a.m. for interrogation.

2. In case interrogation of the petitioners is not completed that day, it is open to the investigating officer to direct presence of the Bail Appl. No.4434 of 2014 3 petitioners on any other day/days at all reasonable time and place.

3. In case arrest of the petitioners is recorded they shall be produced before the jurisdictional magistrate the same day.

4. On such production learned magistrate shall release the petitioners on bail (if not required to be detained otherwise) on their executing bond for Rs.20,000/- (Rupees twenty thousand only) each with two sureties each 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 relative of any of the petitioner. b) Petitioners shall report to the investigating officer as and when required for interrogation. c) Petitioners shall not engage in money Bail Appl. No.4434 of 2014 4 lending business without obtaining permission from appropriate authority. d) Petitioners shall not get involved any offence during the period of this bail. e) Petitioners shall not influence or intimidate the witnesses. f) 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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