

Aji Devan Vs. State of Kerala

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Court : Kerala

Decided On : Jun-24-2014

Judge : Honourable Mr.Justice Thomas P.Joseph

Appellant : Aji Devan

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE THOMAS P.JOSEPH TUESDAY,THE24H DAY OF JUNE20143RD ASHADHA, 1936 Bail Appl..No. 4356 of 2014 ()
----- CRIME NO. 1909/2014 OF KARUNAGAPPALLY POLICE STATION, KOLLAM DISTRICT ----- PETITIONER/ACCUSED :
----- AJI DEVAN, AGED43YEARS S/O. VAMADEVAN, KULATHINTE KIZHAKKATHIL, MARU-SOUTH, ALUMKADAVU, KARUNAGAPPALLY, KOLLAM-690573. BY ADVS.SRI.P.B.SAHASRANAMAN SRI.T.S.HARIKUMAR RESPONDENTS/STATE : ----- 1.
THE STATE OF KERALA REPRESENTED BY ITS PUBLIC PROSECUTOR HIGH COURT OF KERALA, ERNAKULAM-682031.

2. THE SUB INSPECTOR OF POLICE KARUNAGAPPALLY POLICE STATION, KOLLAM-690518. R1 & R2 BY PUBLIC PROSECUTOR SRI. C. RASHEED THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON2406-2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: Mn THOMAS P.

JOSEPH, J.

----- Bail Appl. No.4356 of 2014
----- Dated this the 24th day of June 2014

ORDER

Petitioner is accused in Crime No.1909 of 2014 of the Karunagappally Police station for the offences punishable under Secs.3(1) and 17 of the Kerala Money Lenders Act, Secs.420, Sec.511 of Sec.468 of the Indian Penal Code, apprehends arrest and has filed the application.

2. Learned Public Prosecutor has opposed the application. It is submitted that on getting information about the petitioner engaged in unauthorized money lending, his premises was searched on 30.05.2014 and 4 signed blank cheque leaves and 3 signed blank stamp papers of different denominations were seized.

3. Learned counsel submitted that the allegations are not true. The petitioner was running PV Autos which was affiliated to M/s. Sreeram Financiers and a search was conducted in the house of the petitioner in the year, 2011 Bail Appl. No.4356 of 2014 following which Crime No.931 of 2011 was registered. Final report is filed in that case and that matter is pending in the Judicial First Class Magistrate's Court- Karunagappally. It is submitted that the stamp papers seized are pretty old, not likely to be used now. It is also submitted that the cheque leaves are old and cannot be used now. The petitioner does not intend to use any of those cheque leaves or signed blank stamp papers.

4. The said submission of the learned counsel is recorded. Having regard to the relevant circumstances, I am inclined to think that custodial interrogation of the petitioner is not required. Hence I am inclined to grant relief to the petitioner but subject to conditions. Application is allowed as under.

1. Petitioner shall surrender before the officer investigating Crime No.1909 of 2014 of the Karunagappally Police station on 03.07.2014 at 10.00 am for interrogation.

2. In case interrogation of the petitioner is not Bail Appl. No.4356 of 2014 3 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. In case arrest of the petitioner is recorded he shall be released by the arresting officer 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 before the arresting officer 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 investigating officer as and when required for interrogation. c) Petitioner shall not engage in money lending without obtaining permission from the appropriate authority. d) Petitioner shall not get involved any Bail Appl. No.4356 of 2014 4 offence during the period of this bail. e) Petitioner 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 jurisdictional 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