

Ajith T.Thomas Vs. State of Kerala

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Court : Kerala

Decided On : Jul-01-2014

Judge : Honourable Mr.Justice Thomas P.Joseph

Appellant : Ajith T.Thomas

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE THOMAS P.JOSEPH TUESDAY, THE 1ST DAY OF JULY 2014 10TH ASHADHA, 1936 Bail Appl..No. 4670 of 2014 ()
----- CRIME NO. 1234/2014 OF ADOOR POLICE STATION ,
PATHANAMTITTA PETITIONER/ACCUSED: ----- AJITH T.THOMAS
AGED 49 YEARS S/O.T.V THOMAS, VELUTHARA KIZHAKKETHIL THOPPIL
KALATHIL VEEDU, THUKALASSERI MURI THIRUVALLA P.O BY ADV.
SRI.D.KISHORE RESPONDENTS/STATE & COMPLAINANT:
----- 1. STATE OF KERALA REPRESENTED BY ITS
PUBLIC PROSECUTOR HIGH COURT OF KERALA, ERNAKULAM 682031 2.
THE CIRCLE INSPECTOR OF POLICE, ADOOR POLICE
STATION, PATHANAMTHITTA DISTRICT 689645 BY PUBLIC PROSECUTOR:
ADV C RASHEED THIS BAIL APPLICATION HAVING COME UP FOR
ADMISSION ON 01-07-2014, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING: THOMAS P.JOSEPH, J.

Dated this the 01st day of July, 2014

ORDER

Petitioner is accused in Crime No.1234 of 2014 of the Adoor Police Station for the offences punishable under Secs.13 and 17 of the Kerala Money Lenders Act, apprehends arrest and has filed this application.

2. Learned Public Prosecutor has opposed the application. It is submitted that as per the version of the de facto complainant, her husband had borrowed `75,000/- from the petitioner in the year, 2006 and repaid `1,35,000/- but the property of the husband which was taken as security is not re-conveyed.

3. Learned counsel submits that the allegations are not true.

4. On hearing both sides, it is revealed that there was no search or seizure of any incriminating articles. In the circumstance, I am inclined to think that custodial interrogation of the petitioner is not required. Hence I am inclined to grant relief but subject to conditions. The application is allowed as under: (i) Petitioner shall surrender before the officer investigating Crime No.1234 of 2014 of the B.A.No.4670 of 2014 2 Adoor Police Station on 07.07.2014 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 petitioner on other day/days and time as may be specified by him which the petitioner shall comply. (iii) Petitioner shall co-operate with the investigation of the case. (iv) In case the petitioner is arrested, he shall be released on bail by the arresting officer (if not required to be detained otherwise) on his executing bond for `20,000/- (Rupees Twenty Thousand Only) with two sureties for the like sum each 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 business without license from the appropriate authority. (d) Petitioner shall not get involved in any offence during the period of this bail. (e) Petitioner shall not intimidate or influence the witnesses. B.A.No.4670 of 2014 3 (f) In case the

petitioner violates 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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