

Jolly Thomas Vs. State of Kerala

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Court : Kerala

Decided On : Jul-02-2014

Judge : Honourable Mr.Justice Thomas P.Joseph

Appellant : Jolly Thomas

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE THOMAS P.JOSEPH WEDNESDAY, THE 2D DAY OF JULY 2014 11TH ASHADHA, 1936 Bail Appl..No. 4645 of 2014 ()
----- CRIME NO. 685/2014 OF KOOTHATTUKULAM POLICE STATION, ERNAKULAM ----- PETITIONER/ACCUSED: ----- JOLLY THOMAS, AGED 47 YEARS, S/O THOMAS, UPPUZHAKKATTU HOUSE, KOOTHATTUKULAM KOOTHATTUKULAM P.O, K MOOTHATTUKULAM VILLAGE, MOOVATTUPUZHA TALUK, ERNAKULAM DISTRICT BY ADVS.SRI.P.VIJAYA BHANU (SR.) SRI.SUNIL JACOB JOSE
RESPONDENTS/COMPLAINANT: ----- 1. STATE OF KERALA REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM 2 SUB INSPECTOR OF POLICE KOOTHATTUKULAM POLICE STATION, KOOTHATTUKULAM VILLAGE, ERNAKULAM DISTRICT 68666 BY PUBLIC PROSECUTOR SRI. C. RASHEED
THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 02-07-2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: BP THOMAS P.

JOSEPH, J.

----- Bail Appl.No.4645 of 2014 () -----
Dated this the 2nd day of July, 2014

ORDER

Petitioner apprehends arrest in Crime No. 685 of 2014 of the Koothattukulam Police Station for the offences punishable under Section 465, 468, 420 of the Indian Penal Code, Section 17 of the Kerala Money Lenders Act and has filed the application. 2.Learned Public Prosecutor has opposed the application. It is submitted that on getting information about the petitioner engaging in unauthorised money lending business, his premises was searched on 16.05.2014 and seven blank stamp papers, five signed blank cheque leaves and six cheques with the amount written were seized. 3.Learned Senior Advocate submits that the stamp papers were pretty old while the five blank cheque leaves were of the year, 2004. In the affidavit filed along with CrI.M.A.6215 of 2014, it is stated that the petitioner is not claiming any right or relief based on the blank stamp papers or the signed blank cheque leaves. Bail Appl.No.4645 of 2014 () 2 4.In the above circumstances, I am inclined to think that the custodial interrogation of the petitioner is not required. Hence, I am inclined to grant relief to the petitioner but subject to conditions. The application is allowed as under :

1. Petitioner shall surrender before the officer investigating the case on 09.07.2014 at about 10 am for interrogation.
2. In case interrogation is not completed that day, the petitioner shall appear before the officer investigating the case on any other day/days at reasonable time and place as directed by the investigating officer.
3. The petitioners shall co-operate with investigation of the case.
4. In case the petitioner is arrested, he shall be released on bail (if not required to be detained otherwise) by the arresting officer on his executing bond for `20,000/- Bail Appl.No.4645 of 2014 () 3 (Rupees twenty thousand only) with two sureties for the like sum each before the arresting officer subject to the following conditions : a.

One of the sureties shall be a close relative of the petitioner. b. Petitioner shall file affidavit before the learned magistrate while executing the bail bond that he is not claiming any right or relief based on the signed blank stamp papers or signed blank cheque leaves seized by the police. c. Petitioner shall report to the investigating officer as and when required for interrogation. d. Petitioner shall not engage in money lending business without licence from the appropriate authorities. e. Petitioner shall not influence or intimidate any of the witnesses. f. Petitioner shall not get involved in any Bail Appl.No.4645 of 2014 () 4 offence during the period of this bail. g. In case any of conditions Nos.(b) to (f) 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 AMV /TRUE COPY/ P.A.TO JUDGE

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