

Anilkumar Vs. State of Kerala

Anilkumar Vs. State of Kerala

SooperKanoon Citation : sooperkanoon.com/1154252

Court : Kerala

Decided On : Jul-03-2014

Judge : Honourable Mr. Justice K.Abraham Mathew

Appellant : Anilkumar

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE THOMAS P.JOSEPH THURSDAY, THE 3D DAY OF JULY 2014/12TH ASHADHA, 1936 Bail Appl.No. 4438 of 2014 ----- [CRIME NO. 541/2014 OF VALLIKUNNAM POLICE STATION , ALAPPUZHA DISTRICT] PETITIONER/1ST ACCUSED: ----- ANILKUMAR, AGED 46 YEARS, S/O.GOPINADHA PILLAI, PUTHANALAKKEL HOUSE, VALACHAL VALLIKUNNAM P.O, MAVELIKKARA, ALAPPUZHA DISTRICT. BY ADV. SRI.VINOY VARGHESE KALLUMOOTTILL. RESPONDENTS/COMPLAINANT/STATE: ----- 1. STATE OF KERALA, REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM - 682 031.

2. THE SUB INSPECTOR, VALLIKUNNAM POLICE STATION, ALAPPUZHA DISTRICT - 688 001. BY PUBLIC PROSECUTOR SRI. C. RASHEED. THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 03/07-2014, THE

COURT ON THE SAME DAY PASSED THE FOLLOWING: Prv. THOMAS P. JOSEPH, J.

----- Bail Appl. No.4438 of 2014
----- Dated this the 3rd day of July 2014

ORDER

Petitioner, a one time Police man terminated from the service obviously on account of his "good service" as the allegations herein also reveal is the 1st accused in Crime No.541 of 2014 of the Vallikunnam Police station for the offences punishable under Secs.406 and 420 read with Sec.34 of the Indian Penal Code, Sec.4 of the Kerala Prohibition of Charging Exorbitant Interest Act, apprehends arrest and has sought pre arrest bail.

2. Learned Public Prosecutor has opposed the application. It is submitted that the petitioner, even while in service was engaged in money lending business and in the year, 2001, husband of the defacto complainant borrowed Rs.2 lakhs from him and as security, executed sale deed on condition of reconveyance of the property but, the petitioner sold that property to the 2nd accused in the Bail Appl. No.4438 of 2014 2 year 2005.

3. Learned counsel submitted that the allegations are not true. The property was purchased for consideration and it was sold to the 2nd accused in the year, 2005. There was no challenge to the sales from the year 2001 or 2005 onwards. It is also pointed out that the 2nd accused was granted pre arrest bail by the order of this Court.

4. No incriminating article has been seized from the possession of the petitioner. 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.541 of 2014 of the Vallikunnam Police station on 10.07.2014 at 10.00 am for interrogation.

2. In case interrogation of the petitioner is not Bail Appl. No.4438 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 the petitioner is arrested, 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 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 obtaining licence from the authority concerned. d) Petitioner shall not get involved any Bail Appl. No.4438 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 learned magistrate for cancellation of the bail granted hereby, as held in P.K. Shaji V. State of Kerala (AIR 2006 SC100. THOMAS P. JOSEPH JUDGE NS

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