

Sambu Vs. State of Kerala

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Court : Kerala

Decided On : Jul-03-2014

Judge : Honourable Mr.Justice Thomas P.Joseph

Appellant : Sambu

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. 4387 of 2014 ----- CRIME NO. 651/2014 OF ALATHUR POLICE STATION , PALAKKAD ----- APPLICANTS/ACCUSED NOS.1 TO 5 -----
1. SAMBU, AGED 44 YEARS, S/O.CHELLAPPAN, KOTTAMPOTTA, VADAKKETHARA, MELARCODE, PALAKKAD.

2. MURALEEDHARAN, AGED 46 YEARS, S/O.PAZHANELAN, KOTTAMPOTTA, VADAKKETHARA, MELARCODE, PALAKKAD.

3. RAVEENDRAN, AGED 49 YEARS, S/O.PAZHANELAN, KOTTAMPOTTA, VADAKKETHARA, MELARCODE, PALAKKAD.

4. BABU, AGED 37 YEARS, S/O.KRISHNAN, KOTTAMPOTTA, VADAKKETHARA, MELARCODE, PALAKKAD.

5. GURUVAYOORAPPAN, AGED 46 YEARS, S/O.VELAPPAN, KOTTAMPOTTA, VADAKKETHARA, MELARCODE, PALAKKAD. BY ADV. SRI.V.A.JOHNSON (VARIKKAPPALLIL) RESPONDENT(S)/COMPLAINANT:

----- STATE OF KERALA, REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM. BY PUBLIC PROSECUTOR SRI.C.RASHEED THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 0307-2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: PJ THOMAS P. JOSEPH, J.

----- Bail Appl.No. 4387 of 2014 () -----
Dated this the 3rd day of July, 2014

ORDER

Petitioner apprehends arrest in Crime No.651 of 2014 of the Alathur Police Station registered for the offences punishable under Sections 17 & 18A of the Kerala Money Lenders Act, Sections 3 & 9(a) of the Kerala Prohibition of Charging Exorbitant Interest Act, 2012 and has filed the application. 2.Learned Public Prosecutor has opposed the application. It is submitted that though the case was registered against five accused, investigation revealed that the petitioners 2 to 5 are not involved and a report is filed before the jurisdictional magistrate to delete them from the array of accused. Now the first petitioner alone remains accused in the case. Allegations against him is that he availed loans from the 'Abisheka Nidhi' of the nearby temple and lent that money to various persons at the interest rate of `8,000/- per lakh, per month. He Bail Appl.No. 4387 of 2014 () 2 also takes landed property and gold ornaments as security. Premises of the first petitioner was searched on 28.05.2014 but nothing incriminating could be seized. 3.Learned counsel submits that the allegations are not true. According to the learned counsel, wild allegations are made against the first petitioner. Learned counsel also offered to produce affidavit of the de facto complainant. 4.The CD file is produced before me. There is reference to the (alleged) activities of the first petitioner as aforesaid. He has to be questioned by the Police. The application is disposed of as under :

1. Since it is submitted that the petitioners 2 to 5 are deleted from the array of accused, they cannot have any apprehension of arrest. If Bail Appl.No. 4387 of 2014 () 3 petitioners 2 to 5 have any genuine apprehension of arrest in future in connection with Crime No.651 of 2014 of the Alathur Police Station it is open to them to move again.

2. The first petitioner shall surrender before the officer investigating Crime No.651 of 2014 of the Alathur Police Station on 10.07.2014 at about 10.00 a.m.

2. In case interrogation is not completed that day, the first petitioner shall appear before the officer investigating the case any other day/days and time as directed by the investigating officer.

3. In case the first petitioner is arrested, he shall be produced before the jurisdictional magistrate the same day, where it is open for the first Bail Appl.No. 4387 of 2014 () 4 petitioner to request for regular bail with intimation given to the Assistant Public Prosecutor concerned at least two working days in advance.

4. If custody of the first petitioner is required for any purpose, the investigating officer can move application for the purpose.

5. Learned magistrate shall consider the application(s) having regard to all relevant circumstances including whether custody of the first petitioner is required for any purpose and pass appropriate orders as early as possible. Sd/- THOMAS P. JOSEPH JUDGE AMV /TRUE COPY/ P.A.TO JUDGE

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