

Sivadasan Vs. State of Kerala

Sivadasan Vs. State of Kerala

SooperKanoon Citation : sooperkanoon.com/1154769

Court : Kerala

Decided On : Jul-04-2014

Judge : Honourable Mr.Justice Thomas P.Joseph

Appellant : Sivadasan

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE THOMAS P.JOSEPH FRIDAY, THE 4TH DAY OF JULY 2014/13TH ASHADHA, 1936 BAIL APPL..NO. 4810 OF 2014()
----- CRIME NO. 606/2014 OF PUDUNAGARAM POLICE STATION , PALAKKAD PETITIONER(S)/ACCUSED: ----- SIVADASAN AGED 45 YEARS S/O.LATE KITTU, MANIANKAD HOUSE, MURUGANI C.N.PURAM P.O., PUTHUR, PALAKKAD BY ADVS.SRI.BINOY VASUDEVAN SMT.P.G.BABITHA RESPONDENT(S): ----- 1. STATE OF KERALA REPRESENTED BY THE PUBLIC PROSECUTOR HIGH COURT OF KERALA, ERNAKULAM -682 031.

2. THE STATION HOUSE OFFICER PUDUNAGARAM POLICE STATION, PUDUNAGARAM PALAKKAD DISTRICT - 678 105. BY PUBLIC PROSECUTOR SHRI V.S. SREEJITH THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 04/04/2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: THOMAS P.JOSEPH, J.

===== B.A. No.4810 of 2014
===== Dated this the 04th day of July,
2014

ORDER

Petitioner apprehends arrest in Crime No.606 of 2014 of the Pudunagaram Police Station for the offences punishable under Sections 3 and 17 of the Kerala Money Lenders Act and Secs.3 and 9(a) of the Exorbitant Interest Act, 2012 and has filed this application.

2. Learned Public Prosecutor has opposed the application. It is submitted that the de facto complainant borrowed Rs.15,000/- but the petitioner charged exorbitant interest. It is also submitted that the petitioner collected signed blank cheques and demand promissory notes.

3. Learned counsel submitted that the allegations are not true. The de facto complainant borrowed Rs.1,00,000/- from the petitioner and issued cheque for the discharge of that liability. Petitioner has filed complaint against the de facto complainant under Sec.138 of the Negotiable Instruments Act.

4. It is revealed that there was no seizure of any incriminating documents from the petitioner. Having regard to the B.A. No. 4810 of 2014 -:

2. :- circumstances of the case I am inclined to grant relief but subject to conditions. Application is allowed as under: (i) Petitioner shall surrender before the Officer investigating Crime No.606 of 2014 of the Pudunagaram Police station on 14.07.2014 at 10.00 am for interrogation. (ii) In case interrogation of the petitioner is not 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. (iii) In case the petitioner is arrested, he shall be released by the arresting officer on bail on his executing bond for Rs.15,000/- (Rupees Fifteen thousand only) with two sureties for the like sum each before the arresting officer and 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 Officer investigating the case as and

when required for interrogation. (c) Petitioner shall not get involved any offence during the period of this bail. B.A. No. 4810 of 2014 -:

3. :- (d) Petitioner shall not engage in money lending business without permission of the appropriate authority. (e) Petitioner shall not intimidate or influence the witnesses. (iv) In case the petitioner violates any of conditions (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 v. State of Kerala (AIR 2006 SC100. THOMAS P. JOSEPH, JUDGE. vsv

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