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Suresh Vs. the State of Kerala

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Court : Kerala

Decided On : Jul-14-2014

Judge : Honourable Mr.Justice Thomas P.Joseph

Appellant : Suresh

Respondent : The State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE THOMAS P.JOSEPH MONDAY,THE14H DAY OF JULY2014/23RD ASHADHA, 1936 BAIL APPL..NO. 5094 OF2014() ---------- CRIME NO. 1309/2014 OF NORTH PARUR POLICE STATION , ERNAKULAM PETITIONER(S)/PETITIONER: ---------- SURESH AGED48YEARS S/O.KESU, NELLATTU, KAITHARAM NORTH PARAVUR, ERNAKULAM DIST BY ADVS.SRI.S.RAJEEV SRI.K.K.DHEERENDRAKRISHNAN RESPONDENT(S)/RESPONDENTS: ---------- 1. THE STATE OF KERALA REP BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA ERNAKULAM, 682031 (CRIME NO13092014 OF NORTH PARAVUR POLICE STATION ERNAKULAM DIST2 STATION HOUSE OFFICER NORITH PARAVUR P OLICE, STATION, ERNAKULAM DIST PIN-683513 (CRIME NO13092014 OF NORTH PARAVUR POLICE STATION ERNAKULAM DIST BY PUBLIC PROSECUTOR SHRI C. RASHEED THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON1407.2014, THE COURT ON THE SAME DAY

PASSED THE FOLLOWING: THOMAS P.JOSEPH, J.

========== B.A. No.5094 of 2014 ========== Dated this the 14th day of July, 2014

ORDER

Petitioner is accused in Crime No.1309 of 2014 of the North Paravur Police Station for the offences punishable under Sections 408 and 420 of the Indian Penal Code, Secs.13 and 17 of the Kerala Money Lenders Act, Sec.3 of the Exorbitant Interest Act, 2012, apprehends arrest and has filed this application.

2. Learned Public Prosecutor has opposed the application. It is submitted that the de facto complainant borrowed Rs.10,000/- on condition of payment of interest at the rate of Rs.700/- per month and as security, signed blank cheques and stamp papers were given. The de facto complainant repaid the amount bu the documents are not returned. It is also submitted that though a search was conducted in the premises of the petitioner nothing incriminating could be seized.

3. Learned counsel submitted that the allegations are not true. It is submitted that the petitioner has filed O.S. No.502 of 2014 in the Munsiff's Court, North Paravur against the de facto complainant for recovery of money. B.A. No. 5094 of 2014 -:

2. :- 4. Having regard to the circumstances of the case I am satisfied that custodial interrogation of the petitioner is not required. Hence 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.1309 of 2014 of the North Paravur Police station on 21.07.2014 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.20,000/- (Rupees Twenty 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. B.A. No. 5094 of 2014 -:

3. :- (c) Petitioner shall not get involved any offence during the period of this bail. (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

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