

**Moly vs State of Kerala**

**Moly vs State of Kerala**

**SooperKanoon Citation :** [sooperkanoon.com/1344798](https://sooperkanoon.com/1344798)

**Court :** Kerala

**Decided On :** Apr-18-2023

**Judge :** Honourable Mr.Justice Ziyad Rahman a.a.

**Appeal No. :** Bail Appl./2091/2023

**Appellant :** MOLY

**Respondent :** State of Kerala

**Judgement :**

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE ZIYAD RAHMAN A.A.  
TUESDAY, THE 18TH DAY OF APRIL 2023 / 28TH CHAITHRA, 1945  
BAIL APPL. NO. 2091 OF 2023 PETITIONER/S: MOLY AGED 53  
YEARS W/O JOSE, ATHIYALIL HOUSE, KALUNGUCITY,  
MAMMATTIKANAM, RAJAKKAD, IDUKKI DISTRICT, PIN - BY ADV  
LATHEESH SEBASTIAN RESPONDENT/S: STATE OF KERALA  
REPRESENTED BY PUBLIC PROSECUTOR,HIGH COURT OF  
KERALA, PIN - 682031 BY ADV PUBLIC PROSECUTOR THIS BAIL  
APPLICATION HAVING COME UP FOR ADMISSION ON 18.04.2023,  
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:  
ZIYAD RAHMAN A.A., J ..... Bail Appl.No.2091 of

2023 ..... Dated this the 18th day of  
April, 2022

## **ORDER**

This petition is filed under Section 438 of the Code of Criminal Procedure.

2. The petitioner is the sole accused in Crime No.

District. The aforesaid crime was registered alleging offences punishable under Section 17 of the Money Lenders Act r/w Rule 3 of the Kerala Money Lenders Rules.

3. The prosecution case is that on 24.02.2023 at about 05:15 p.m., the Sub Inspector of Police, Rajakkad Police Station got information that the petitioner is conducting

money lending business without any authorization and thereupon conducted a search in her house. During the said inspection, police allegedly recovered five documents from the house of the petitioner, including certain signed blank stamp papers, a patta of land and a copy of an agreement. From the said documents the police realized that the petitioner is conducting money lending business without any authorization and therefore, the crime was registered and this application is

submitted in such circumstances seeking pre-arrest bail as the petitioner apprehending arrest.

4. Heard Sri. Latheesh Sebastian, the learned counsel appearing for the petitioner and Sri.C.N.Prabhakaran, the learned Public Prosecutor appearing for the respondent.

5. The learned counsel for the petitioner submits that the petitioner is innocent and she is falsely implicated in the crime. According to him, the petitioner is not conducting any money lending business.

6. On the other hand the learned Public Prosecutor

opposes the aforesaid contentions and the application for bail. According to him, as part of investigation statements of several persons were recorded and they have stated that the petitioner is enter indulging in money lending business with high rate of interest. It is further pointed out that during the course of investigation, the offences under Section 9 and 3 of Kerala Prohibition of Charging Exhobitant Interest Act, 2012 were also incorporated and the investigation is in progress.

7. I have gone through the records and heard the contentions made by the both sides. It is true that there are allegations against the petitioner, with respect to the commission of offences as mentioned above. However, in the

**facts and circumstances of the case, I do not find any**

necessity of any custodial interrogation. In such circumstances, this application is disposed of with the following conditions;

- i) The petitioner shall surrender before the Investigating Officer, within a period of two weeks from today, for subjecting herself to interrogation.
- ii) After interrogation, the petitioner shall be released on bail on the very same day of surrender upon the petitioner executing a bond for Rs 1,00,000/- (Rupees One Lakh only) with two sureties each for the like sum, to the satisfaction of the Investigating Officer
- iii) The petitioner shall fully co-operate with the investigation, including subjecting herself to the deemed police custody for the purpose of recovery, if any, as and when demanded.
- iv) The petitioner shall appear before the Investigating Officer between 10.00 a.m and 11.00 a.m every Saturday until the filing of the final report.
- v) The petitioner shall appear before the Investigating Officer as and when required.
- vi) The petitioner shall not commit any offence of similar nature while on bail.
- vii) The petitioner shall not make any attempt to contact any of the prosecution witnesses, directly or through any other person, or in any other way try to tamper with the evidence or influence any witnesses or other persons related to the investigation.
- viii) The petitioner shall not

leave the State of Kerala without the permission of the Jurisdictional Court. In case of violation of any of the above conditions, the

jurisdictional Court shall be empowered to consider the application for cancellation of bail, if any, and pass appropriate orders in accordance with the law. Sd/- ZIYAD RAHMAN A.A., JUDGE Dxy

**SooperKanoon - India's Premier Online Legal Search - [sooperkanoon.com](http://sooperkanoon.com)**