

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE THOMAS P.JOSEPH

FRIDAY, THE 11TH DAY OF JULY 2014/20TH ASHADHA, 1936

Bail Appl..No. 5021 of 2014 ()

CRIME NO. 333/2014 OF ELATHUR POLICE STATION , KOZHIKODE

PETITIONER(S)/ACCUSED:

SHIBU V AGED 42 YEARS  
S/O. LATE UNNI, VALIYA PARAMBATH HOUSE, CHETTIKULAM  
ELATHUR.P.O., ELATHUR AMSOM DESOM, KOZHIKODE TALUK.

BY ADV. SRI.P.V.KUNHIKRISHNAN

RESPONDENT(S)/COMPLAINANT AND STATE:

1. S.I OF POLICE  
ELATHUR POLICE STATION, KOZHIKODE-673303.
2. S.I OF POLICE  
NADAKKAVU POLICE STATION, KOZHIKODE-673001.
3. ASSISTANT COMMISSIONER OF POLICE (NORTH) ,  
NADAKKAVU, KOZHIKODE-673001.
4. COMMISSIONER OF POLICE,  
KOZHIKODE CITY-673001.
5. STATE OF KERALA,  
REPRESENTED BY THE PUBLIC PROSECUTOR  
HIGH COURT OF KERALA, ERNAKULAM, KOCHI-682031.

BY PUBLIC PROSECUTOR: ADV C RASHEED

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 11-07-2014,  
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**THOMAS P.JOSEPH, J.**

=====

**B.A.No.5021 of 2014**

=====

**Dated this the 11<sup>th</sup> day of July, 2014**

**ORDER**

Petitioner is accused in Crime No.333 of 2014 of the Elathur Police Station for the offences punishable under Sec.511 of 465 of the Indian Penal Code, Secs.6A, 17 and 18A of the Kerala Money Lenders Act, Secs.3 and 4 of the Kerala Charging of Exorbitant Interest Act, apprehends arrest and has filed this application.

2. Learned Public Prosecutor has opposed the application. It is submitted that premises of the petitioner was searched on 09.06.2014 and three cheque leafs (two of them blank and the other, for ₹20,00,000/- without mentioning name of payee), six signed blank stamp papers and two signed white papers were seized.

3. Learned counsel submits that the petitioner does not claim any amount as mentioned in the cheque in which the sum of Rs.20,00,000/- is written. Petitioner does not need the cheques, signed stamp papers or the signed white papers. Nor is the petitioner making any claim based on the documents seized by the police. It is also submitted that the documents belong to the three persons who have sworn affidavits in favour of the petitioner and appended to this application.

4. Submission of the learned counsel is recorded.

5. In the light of the submission made by the learned counsel and having regard to other relevant circumstances, I am satisfied that custodial interrogation of the petitioner is not required. Hence I am inclined to grant relief but subject to conditions.

The application is allowed as under:

(i) Petitioner shall surrender before the officer investigating Crime No.333 of 2014 of the Elathur Police Station on 17.07.2014 at 10 a.m for interrogation.

(ii) In case interrogation is not completed that day, it is open to the officer concerned to direct presence of the petitioner on other day/days and time as may be specified by him which the petitioner shall comply.

(iii) In case the petitioner is arrested, he shall be released on bail by the arresting officer (if not required to be detained otherwise) on his executing bond for ₹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 not engage in money lending business without license from the appropriate

authority.

(b) Petitioner shall report to the Investigating Officer as and when required for interrogation.

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

(d) Petitioner shall not intimidate or influence the witnesses.

(e) In case the petitioner violates any of condition Nos.(b) to (d), it is open to the investigating officer to move the jurisdictional magistrate for cancellation of the bail as held in **P.K Shaji Vs. State of Kerala (AIR 2006 SC 100)**.

Sd/-  
**THOMAS P.JOSEPH, JUDGE.**

Sbna

True Copy

P A to Judge