

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN

&

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

TUESDAY, THE 21ST DAY OF JULY 2015/30TH ASHADHA, 1937

Con.Case(C) .No. 771 of 2010 (S)

Crl.M.P.No.1529/2010 and Crl.M.C.No.1445/2010 of DISTRICT &
SESSIONS COURT, ALAPPUZHA DATED 25-05-2010

PETITIONER(S)/PETITIONERS/ACCUSED NO.1 & 7 :-

1. T.N.SURESH, AGED 42 YEARS,
S/O.NARAYANA PILLAI, "SWARNAGARBHA", PAZHAVEEDU
ALAPPUZHA.
2. MURUGAN K.C., AGED 37 YEARS,
S/O.CHELLAPPAN ACHARI, ADITHYA DEVA ENTERPRISE
PALACE ROAD, ALAPPUZHA.

BY ADV. SRI.N.K.MOHANLAL

RESPONDENT(S)/RESPONDENT/COMPLAINANT :-

SANAL KUMAR, AGED ABOUT 48 YEARS,
FATHER'S NAME NOT KNOWN, CIRCLE INSPECTOR OF POLICE
ALAPPUZHA SOUTH POLICE STATION, ALAPPUZHA.

BY SR.GOVERNMENT PLEADER SRI.C.RASHEED

THIS CONTEMPT OF COURT CASE (CIVIL) HAVING BEEN FINALLY
HEARD ON 21-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

jvt

**ASHOK BHUSHAN, C.J &
A.M. SHAFFIQUE, J.**

C.C.C. (Civil) No.771 of 2010

Dated this the 21st day of July 2015

J U D G M E N T

Shaffique, J

The petitioners have approached this Court alleging willful contempt as against the respondent. The case of the petitioners is that apprehending involvement in Crime No.415 of 2010, they had approached the District & Sessions Court, Alappuzha by filing Crl.M.C. No.1445 of 2010, in which, they were granted anticipatory bail on the following conditions :-

- “1. In the event of arrest of the petitioners in the above crime, the police officer shall release them on bail on their executing a bond for ₹20,000/- each with two solvent sureties each for the like amount; and
2. The petitioners shall co-operate with the investigating Officer for further investigation.”

The petitioners submit that they had executed the bail bond before the Magistrate Court on 28.5.2010.

2. Thereafter, the respondent, who was the Circle Inspector of Police during relevant time, arrested them at their residence at 2 a.m. on 6.6.2010. The petitioners submit that they had already obtained bail from the court, but, ignoring the same, the petitioners submit that, they were taken to the police station

where, both of them were detained in the lock up till 5 a.m. until their advocate came to the police station and informed about the bail bond executed before the Magistrate Court. Thereafter, they were released.

3. The main contention urged by the petitioners is that the aforesaid action of the respondent in arresting and detaining the petitioners in the police station amounts to willful disobedience of the directions issued in the Crl.M.C. No.1445 of 2010.

4. Affidavit has been filed by the respondent inter alia stating that, he was not aware of the direction issued by the court in the Crl.M.C. No.1445 of 2010 and the fact that the petitioners have executed bail bond was not brought to his notice. The police was well aware of the involvement of the petitioners in the crime and when they got information about the whereabouts of the petitioners that they were at their residence, police party had gone there and taken them into custody. The petitioners could not produce copy of the order by which they were granted anticipatory bail or any material from the Magistrate Court to indicate that they have executed bail bond pursuant to the order in Crl.M.C. It is also stated that when the Advocate of the petitioners came to

the police station and informed about the order and execution of the bail bond, they were released. They were in police custody only for 3 hours. At the moment, it was known that they had executed the bail bond before the Magistrate Court, they were released. The respondent also submits that there is no willful violation as alleged by the petitioners.

5. As directed by this Court, a statement has also been filed by the respondent, in which, the respondent sought pardon of this Court for the bonafide act done by him in discharge of his official duties without the knowledge of the orders passed by the Sessions Court granting anticipatory bail to the petitioners and also of their executing the bail bond.

6. Having regard to the aforesaid factual situation, we do not think that the respondent has committed any willful contempt as alleged by the petitioners. Though it is argued by the learned counsel for the petitioners that the respondent ought to have known about the orders passed on the application for anticipatory bail as well as the bail bond being executed by the petitioners, having regard to the fact that the respondent had filed an affidavit stating that he was doing his duty on the bonafide belief, without

C.C.C. (Civil) No.771 of 2010

-: 4 :-

knowing about the bail bond being executed by the petitioners, we do not think it is a fit case in which action can be initiated against the respondent for willful contempt.

In the result, there being no merits in the contempt case, the same is closed.

**Sd/-
ASHOK BHUSHAN
CHIEF JUSTICE**

**Sd/-
A.M. SHAFFIQUE
JUDGE**

//TRUE COPY//

P.A. TO JUDGE

Jvt