

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

MONDAY, THE 2ND DAY OF FEBRUARY 2015/13TH MAGHA, 1936

Crl.MC.No. 519 of 2015 ()

AGAINST THE ORDER IN CP 44/2014 of J.M.F.C. - II, MAVELIKKARA

DATED 07-01-2015

CRIME NO. 397/2011 OF NOORANADU POLICE STATION , ALAPPUZHA

PETITIONER(S)/ACCUSED:

SATHYADEVAN AGED 67 YEARS
S/O.NARAYANAN, SUNBEAM HOUSE, KUDASSANAD MURI
PLAMEL VILLAGE, NOORANAD.

BY ADV. SMT.V.P.SATHI

RESPONDENT(S)/STATE/COMPLAINANT:

STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA.

BY PUBLIC PROSECUTOR SRI.C.RASHEED

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
02-02-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Crl.MC.No. 519 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

ANNEXURE I: A TRUE COPY OF THE ORDER OF THIS HON'BLE COURT
DT.6/11/2014 IN CRL.M.C.NO.6256/2014.

ANNEXURE II:A TRUE COPY OF THE ORDER OF THIS HON'BLE COURT
DT.30/12/2014 IN CRL.M.C. NO.7416/2014.

ANNEXURE III: A TRUE COPY OF THE ORDER OF THE JUDICIAL FIRST CLASS
MAGISTRATE COURT-II DTD.7/1/2015.

ANNEXURE – IV: TRUE COPY OF THE ORDER IN C.P.44 OF 2014 OF THE
JUDICIAL FIRST CLASS MAGISTRATE-II, MAVELIKARA DATED 7.01.2015

RESPONDENT(S)' EXHIBITS

/TRUE COPY/

P.S TO JUDGE

P.UBAID, J.
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**Crl.M.C No. 519 of 2015**  
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Dated this the 2nd February, 2015

ORDER

The petitioner herein is the first accused in C.P.44 of 2014 of the Judicial First Class Magistrate Court-II, Mavelikara. When he approached this Court on the apprehension of arrest on surrender, in execution of warrant of arrest issued from the court, this court directed him to surrender before the court and make application for bail, by order dated 6.11.2014. For reasons known to him alone, he did not surrender as directed by the court. Later, he filed another application before this Court during the Christmas holidays with prayer for a direction to the court below to release him on bail. On the said application, another Bench of this Court acted and directed the court below to release him on bail on surrender on appropriate conditions. Accordingly, the petitioner surrendered before the learned Magistrate on 7.01.2015. He was granted bail by the learned Magistrate on certain conditions. Annexure-

IV is the bail order. He is required by the learned Magistrate to execute a bond for ₹ 50,000/- with two solvent sureties, to report before the Investigating Officer on all Mondays and Thursdays between 10 a.m and 1 p.m till final report is filed, to surrender his passport in court, and not to involve in any offence while on bail. The petitioner is aggrieved by the conditions imposed by the court below. He also wants his passport back. His case is that he is a person having some business abroad and if his passport is not returned to him, it will cause much hardship to him, as a person doing business abroad.

2. The learned Public Prosecutor now submits that further investigation has already been ordered in the crime, and now it is going on at the hands of the Deputy Superintendent of Police, Chengannur. No doubt, the petitioner will have to comply with the conditions imposed by the trial court, in the interest of justice, for fair investigation and trial. However, I feel the necessity of some modifications in the present circumstances. Accordingly, the second condition imposed by the court

below will stand suspended for a period of four months during which the petitioner will have to come back, if he goes abroad. The petitioner's passport will be released to him, on his making a security deposit of ₹ 40,000/- in the court below which will be liable to forfeiture in case he remained absent during the trial process, without excuse. The passport will be released to him only for a period of four months. On his return, he will surrender passport in court, and if it is required further, he can make necessary application before the court below.

The Crl.M,.C is accordingly allowed in part.,

**Sd/-
P.UBAID
JUDGE**

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/True copy/

P.S to Judge