

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 4TH DAY OF MARCH 2015/13TH PHALGUNA, 1936

Cr1.MC.No. 1187 of 2015  
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C.M.P NO.92/2015 OF THE JUDICIAL FIRST CLAS MAGISTRATE COURT,  
ANGAMALY

CRIME NO. 1016/2013 OF NEDUMBASSERY POLICE STATION, ERNAKULAM

PETITIONER:  
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AYOOB,  
S/O.MEERAN, KALLUVETTUKUZHIIYIL HOUSE,  
VELLOORKUNNAM VILLAGE, PERUMATTOM KARA,  
MUVATTUPUZHA TALUK,  
ERNAKULAM DISTRICT

BY ADVS.SRI.SIRAJ KAROLY  
SRI.R.PARAMESWARA IYER

RESPONDENT:  
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STATE OF KERALA  
REPRESENTED BY THE PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA,  
ERNAKULAM 682031

BY PUBLIC PROSECUTOR SMT.P.MAYA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION  
ON 04-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Cr1.MC.No. 1187 of 2015  
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APPENDIX

PETITIONER'S ANNEXURES:  
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ANNEXURE 1: COPY OF THE APPLICATION SUBMITTED BY THE PETITIONER.

ANNEXURE 2: COPY OF THE IMPUGNED ORDER DATED 11.02.2015 IN  
C.M.PNO.92/15 IN CRIME NO.1016/2013 OF NEDUMBASSERY POLICE  
STATION.

RESPONDENT'S ANNEXURES:  
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NIL

//TRUE COPY//

P.A TO JUDGE

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**P.UBAID, J.**

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**Crl.M.C No.1187 of 2015**  
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Dated this the 4<sup>th</sup> day of March, 2015

**O R D E R**

The petitioner herein is the accused in Crime No.1016/2013 of the Nedumbassery Police Station, involving the offence under Sections 419, 468 and 471 of the Indian Penal Code and Section 12(1)(b)(d) of the Passport Act. Pending the investigation, he made an application before the learned Judicial First Class Magistrate, Angamaly for permission to apply for a new passport. In such a situation, court orders are necessary for obtaining another passport, in view of the rules made by the Government, and also the notifications issued by the Government under the Passport Act. The petitioner's request was allowed by the learned Magistrate as per the order dated 11.2.2015 in C.M.P No.92/2015 on certain conditions.

2. The petitioner is really aggrieved by some of the conditions imposed by the learned Magistrate for obtaining a new passport. One objectionable condition is that the petitioner shall not apply for visa without permission of the court, the other is that the petitioner shall not take up employment in any country with which India has no extradition agreement, and the third one is that the petitioner shall make a cash deposit of ₹10,000/- and execute bond

with two sureties for ₹50,000/- each. As regards the other conditions he has no grievance.

3. On hearing both sides, I find that the conditions 2 and 4 are really unreasonable. Having permitted the petitioner to apply for a passport to go abroad, the court cannot impose other conditions fettering his right to seek employment abroad. I find that the conditions 2 and 4 are liable to be quashed. As regards the other condition, I find that direction to make cash security is appropriate, but the direction to execute bond is not necessary when there is already a bail bond executed by the petitioner.

In the result, this Criminal Miscellaneous Case is allowed in part. Accordingly, the conditions Nos.2 and 4 imposed by the court below as per order dated 11.2.2015 in C.M.P No.92/2015 will stand set aside. The condition No.7 will stand modified to the effect that a further bond is not required when there is already a bail bond. As regards the period of validity of the passport, the order will stand modified, that the petitioner is permitted to leave India for a period of 18 months.

**P.UBAID  
JUDGE**

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