

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

THURSDAY, THE 25TH DAY OF JUNE 2015/4TH ASHADHA, 1937

Crl.MC.No. 1293 of 2015 ()

SC. NO.233/2014 OF IV ADDITIONAL SESSIONS COURT, THRISSUR.

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PETITIONER/ACCUSED:

**HARIS, S/O. ABDUL RAHIMAN,
AGED 31 YEARS, NALAKATH HOUSE,
ELAVALLI VILLAGE, PUVATHOOR DESOM.**

BY ADV. SRI.SUNNY MATHEW.

RESPONDENTS/COMPLAINANT:

- 1. THE SUB INSPECTOR OF POLICE,
PAVARATTY POLICE STATION,
THRISSUR DISTRICT-680 001.**
- 2. THE CIRCLE INSPECTOR OF POLICE,
GURUVAYUR, THRISSUR DISTRICT-680 001.**
- 3. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031.**

BY PUBLIC PROSECUTOR SRI.C. RASHEED.

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 25-06-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

Crl.MC.No. 1293 of 2015

APPENDIX

PETITIONER'S ANNEXURES:-

**ANNEXURE A1 COPY OF THE ORDER DATED 12/11/2014 IN
BA NO.7747/2014.**

RESPONDENT'S ANNEXURES:- NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

ALEXANDER THOMAS, J.

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Crl.M.C.No. 1293 of 2015

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Dated this the 25th day of June, 2015

O R D E R

The prayers in this Crl.M.C. are as follows:

- “1. To modify the condition imposed on the petitioner in B.A.7747/2014 that the petitioner should surrender his passport before the court below.
2. To grant permission to the petitioner, to go abroad, to resume employment at UAE for such time which this Hon'ble Court may deem fit to grant.
3. To Pass an order directing the IVth Additional Sessions judge, Thrissur, to return the petitioner's passport to him on such terms and conditions which this Hon'ble Court may deem fit to impose.
4. Any other reliefs which may be prayed for from time to time.”

2. This Court as per order Anx.A-1 order dated 12.11.2014 in B.A.No.7747/2014 has granted regular bail to that petitioner, inter alia, with the condition that he shall surrender his passport before the court below and that the court below shall keep it till the disposal of the case against him.

3. The offences charged against the petitioner are those under Secs.120B, 153A, 143, 148, 201, 212 and 302 of the I.P.C. The petitioner is accused No.9 in the Sessions Case, S.C.No.

233/2014 on the file of the IVth Addl. Sessions Court, Thrissur.

4. Heard Sri.Sunny Mathew, learned counsel for the petitioner and Sri.T.S.Asaf Ali, learned D.G. of Prosecution & State Prosecutor, instructed by Sri.C.Rasheed, learned Senior Government Pleader appearing on behalf of the official respondents.

5. The learned D.G. of prosecution & State Prosecutor submits, on instructions, that the matter is now pending on the file of the IVth Addl. Sessions Court, Thrissur as S.C.No.233/2014 and that even a mere reference to Anx. A1 bail order granted by this Court makes it clear that the petitioner was earlier arrested by the Customs authorities on 19.9.2013 and he was undergoing preventive detention and that the discretion of this Court may not be exercised in favour of the petitioner herein in the facts and circumstances of the case.

6. It can be seen that the petitioner was earlier arrested by the Customs authorities on 19.9.2013, for which, he had undergone preventive detention. One of the major offences involved in this case is the capital offence of Sec.302 I.P.C. The apprehension raised by the prosecution that there is real likelihood of the petitioner evading the long arms of the law cannot be brushed aside by this

Court. Taking into account the overall facts and circumstances of this case, this Court is the considered opinion that extraordinary discretion conferred on this Court as per Sec.482 of the Cr.P.C. need not be exercised in a case like this. Accordingly, this Crl.M.C. is dismissed.

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///True copy///

Sd/-
ALEXANDER THOMAS, JUDGE

P.S. to Judge