

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

WEDNESDAY, THE 17TH DAY OF JUNE 2015/27TH JYAISHTA, 1937

Crl.MC.No. 1966 of 2015

**CMP 560/2014 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-I, NEDUMANGAD.
CRIME NO. 1061/2014 OF VENJARAMOODU POLICE STATION,
THIRUVANANTHAPURAM.**
.....

PETITIONER/ACCUSED NO.2:

**RUKSANA.B.DAS, AGED 33 YEARS,
D/O.DAS, W/O.RAJEESH,
GALAXY WINSTON FLAT NO.4,
CHILAVANOOR KARA, ERNAKULAM DISTRICT.**

BY ADV. SRI.P.A.MARTIN ROY

RESPONDENT(S)/COMPLAINANT/STATE:

- 1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. SUB INSPECTOR OF POLICE,
VENJARAMOOD POLICE STATION.**

BY PUBLIC PROSECUTOR SMT.S.HYMA

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 17-06-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

APPENDIX

PETITIONER(S)' ANNEXURES:

**ANNEXURE 1- THE ORDER DATED 4.10.2014 OF THE HONOURABLE JUDICIAL
FIRST CLASS MAGISTRATE COURT 1, NEDUMANGADU.**

**ANNEXURE 2- THE ORDER 23.1.2015 OF THE HONOURABLE JUDICIAL FIRST
CLASS MAGISTRATE COURT 1, NEDUMANAGADU.**

RESPONDENTS' ANNEXURES: NIL.

//TRUE COPY//

P.S. TO JUDGE

mbr/

ALEXANDER THOMAS, J.

=====

Crl.M.C No.1966 of 2015

=====

Dated this the 17th day of June, 2015

ORDER

The prayer in this Crl.M.C is to set aside the impugned Anx.2 order and to quash the condition No.1 of Anx.1 bail order imposed by the Judicial First Class Magistrate Court-I, Nedumanad.

2. The petitioner is accused No.2 in Crime No.1061 of 2014 of the Venjaranmood Police Station for offences registered under Sections 120 B, 511 of 384, 385, 306 and 34 of IPC. By Anx.1 order dated 4.10.2014, the learned Magistrate had granted bail to the petitioner on her executing a bond for Rs.50,000/- each with two solvent sureties or each for the like sum subject to the further conditions.

- “1. The accused shall appear before the Investigating Officer on all Tuesdays and Saturdays until further orders.
2. The accused shall surrender her passport before court within 4 days from her date of release from jail. If she has no passport file affidavit to that effect.
3. Accused shall not leave the jurisdiction of State of Kerala without prior permission from this court.
4. Accused shall not interfere with the investigation in any manner.
5. Accused shall not be involved in any offence during bail.
6. One of the sureties shall be a close relative of the accused.
7. The sureties shall deposit their original title deeds before court to prove their solvency.”

3. According to the petitioner, when the accused No. 1 was granted regular bail by this Court order dated 6.11.2014 in B.A No.7853 of 2014, the condition that the accused No.1 shall report before the Investigating Officer on all Sundays and Thursdays, between 9 am and 11 am was imposed only for a period of three months from 9.11.2014 or till the filing of the final report, whichever is earlier. Accordingly, it is further submitted that in the case of the petitioner in view of the impugned condition No.1 of Anx.1 order, she is constrained to appear before the Station House Officer of the Venjaramood Police Station, Thiruvananthapuram on all Tuesdays and Saturdays until further orders. This process will cause hardship and difficulties, especially as she is residing in Ernakulam. In the light these aspects, the petitioner had submitted Crl.M.P No.560 of 2015 before the said Magistrate's Court praying to delete the aforementioned condition No.1 in Anx.1 order and the said prayer order was refused by the learned Magistrate as per the impugned Anx. 2 order. This order is under challenge in this Crl.M.C.

4. Heard the learned counsel for the petitioner, Sri. P.A Martin Roy and the learned Public Prosecutor appearing for the

respondent, State of Kerala. The learned counsel for the petitioner has made available a copy of this Court's order dated 6.11.2014 in B.A No. 7853 of 2014 whereby the accused No.1 in the instant Crime No.1061 of 2014 was granted bail and the similar impugned condition was directed to be enforced for a limited period of three months. However, the learned Public Prosecutor submitted that some safeguards should be insisted by this Court so as to ensure the availability of the petitioner herein for the trial, especially keeping in view the seriousness and gravity of the charges involved in this case. After hearing both sides, this Court is of the considered opinion that the impugned condition No.1 of Anx.1 order could be modified. Accordingly, it is ordered that the present impugned condition No.1 that the petitioner shall appear before the Investigating Officer on all Tuesdays and Saturdays until further orders will stand substituted by the order that the petitioner shall report on all second Saturdays between 12 noon and 1 P.M before the lady Sub Inspector of Police of the Women Police Cell (Vanitha Police) attached to the Ernakulam North Town Police Station.

5. This modification is made so as to protect the interest of the prosecution as well as not to create hardship to the petitioner to

travel from Ernakulam to Venjaramoodu in Thiruvananthapuram District as early directed. The lady Sub Inspector of Police of the Women Police Cell (Vanitha Police) attached to the Ernakulam North Town Police Station shall maintain a separate register for recording each of the visits of the petitioner and if there is any default of the petitioner in appearing before the said lady Sub Inspector of Police, then the said officer shall immediately inform the same to the Investigating Officer in Crime No.1061 of 2014 of the Venjaranmood Police Station, Thiruvananthapuram District upon which the said Investigating Officer will be at liberty to approach the Jurisdictional Magistrate Court for necessary action including cancellation of the bail granted to the petitioner.

sd/-

sab

ALEXANDER THOMAS, JUDGE