

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.HARILAL

TUESDAY, THE 21ST DAY OF APRIL 2015/1ST VAISAKHA, 1937

CrI.MC.No. 1989 of 2015 (C)

**CRMP 640/2015 of SESSIONS COURT, PALAKKAD
CRIME NO. 294/2015 OF ALATHUR POLICE STATION , PALAKKAD**

.....

PETITIONER(S)/PETITIONER/ACCUSED:

**C.BALACHANDRAN,
S/O CHATHUKUTTY EZHUTHACHAN, HAREKRISHNA, KALLAMPAD,
MELARCODE VILLAGE, ALATHUR TALUK, PALAKKAD DISTRICT.**

BY ADV. SRI.GEORGE POONTHOTTAM

RESPONDENTS/RESPONDENT/COMPLAINANT/ STATE:

- 1. STATE OF KERALA,
REP.BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM, PIN:682031.**
- 2. THE SUB INSPECTOR OF POLICE,
ALATHUR POLICE STATION, ALATHUR.**

R1 BY PUBLIC PROSECUTOR SRI.SHYSON P.MANGUZHA

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 21-04-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

- ANNEXURE I: TRUE COPY OF THE RELEVANT PAGES OF THE MEMORANDUM OF ASSOCIATION OF THE SOCIETY**
ANNEXURE I(A): TRUE COPY OF THE RELEVANT PAGE OF THE REGISTER OF SOCIETIES EVIDENCING REGISTRATION.
ANNEXURE II: TRUE COPY OF THE ORDER NO.G3.1405/11 DATED 28.10.2014 ISSUED BY THE DISTRICT REGISTRAR, PALAKKAD.
ANNEXURE III: TRUE COPY OF THE LETTER NO.G3/1405/11 DATED 29.10.2014 ISSUED BY THE DISTRICT REGISTRAR, PALAKKAD.
ANNEXURE IV: TRUE COPY OF THE ANNUAL LIST FOR THE YEAR 2014-15 OBTAINED UNDER THE RIGHT TO INFORMATION ACT BY LETTER DATED 20.1.15.
ANNEXURE V: TRUE COPY OF THE ANNUAL LIST FOR THE YEAR 2013-14 OBTAINED UNDER THE RIGHT TO INFORMATION ACT BY LETTER DATED 3.7.2014.
ANNEXURE VI: TRUE COPY OF THE COMPLAINT DATED 20.2.2015 PREFERRED BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE COURT, ALATHUR.
ANNEXURE VII: TRUE COPY OF THE LETTER DATED 10.6.2014 ADDRESSED TO THE POSTMASTER, ALATHUR.
ANNEXURE VIII: CERTIFIED COPY OF THE ORDER DATED 18.3.2015 PASSED IN CMP NO.640/2015 BY THE SESSION COURT, PALAKKAD.

RESPONDENT(S)' EXHIBITS : NIL

OKB

True copy

PA. to Judge

K.HARILAL, J.

Cr1.M.C. No.1989 of 2015

Dated this the 21st day of April, 2015.

O R D E R

Petitioner is the accused in Crime No.294/2015 of Alathur Police Station. He is the Secretary of the Society by name "Brahmananda Swami Sivayogi Educational Society" ("the Society" for short) registered under the Societies Registration Act. He is granted with an anticipatory bail. But he is aggrieved by condition No.3 in the order granting pre-arrest bail. According to the petitioner, being the Secretary of the Society, which is being functioned in the premises of the school, the condition No.3 prohibiting his entry into the premises of BSS Sidhasramam or at the premises of BSS Gurukulam HSS is illegal, irrational and liable to be deleted. His position as the Secretary of the Society is evidenced by Annexure-II order issued by the District Registrar. But as per condition No.3 of the impugned order he

cannot enter into the Society enabling him to discharge the duties as the Secretary of the Society.

2. Heard the learned counsel for the petitioner and the learned Public Prosecutor.

3. Indisputably, the petitioner is the Secretary of the Society, as the same is evidenced by Annexure-II order. If that be so, he has the right to enter into the Society, which is being functioned in the premises of the school and he cannot be prevented from exercising that right. Having regard to the said facts, condition No.3 in the impugned order will stand modified to the extent that the petitioner is allowed to enter into the office of the Society only, which is being functioned in the premises of the above school; but he cannot enter into Sidhasramam or BSS gurukulam HSS.

This petition is disposed of.

Sd/-
(K.HARILAL, JUDGE)

okb.