

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 27TH DAY OF MARCH 2015/6TH CHAITHRA, 1937

Crl.MC.No. 2036 of 2015 ()

**IN CMP 876/2015 of CHIEF JUDL.MAGISTRATE, ERNAKULAM
CRIME NO. 2530/2014 OF ERNAKULAM CENTRAL POLICE STATION , ERNAKULAM**

PETITIONER(S)/PETITIONER:

- 1. ROSHNI SIVAN
D/O.SIVARAMAN, GANGA NIVAS, POOPANI ROAD
PERUMBAVOOR, ERNAKULAM DISTRICT**
- 2. RAJESH, S/O.RADHAKRISHNAN, REMYA BHAVANAM, KANNIMALCHERRY
AGED 26 YEARS
KAVANAD PO, KOLLAM DISTRICT**
- 3. VEENA VENUGOPAL, D/O.VENUGOPAL
KAVIL PARAMBIL HOUSE, MARIYAPPALLY PO
KOTTAYAM DISTRICT**
- 4. RINIMOL PAPPACHAN, D/O.PAPPACHAN
P.V.R.THANNIKKAL HOUSE, VAZHICHAL, KUTTAMALA PO
THIRUVANANTHAPURAM.**
- 5. ABHILASH A. S/O.ANIRUDHAN
CHARUVILA PUTHENVEEDU, MANGALAPURAM, THONAKKAL PO
THIRUVANANTHAPURAM.**
- 6. AKHILA MANU, W/O.MANU,
200, M NEDUMPARAMBIL VEEDU, CHILAKKOOR VARKALA
THIRUVANANTHAPURAM.**

BY ADV. SRI.NIREESH MATHEW

RESPONDENT(S)/COMPLAINANT:

**STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.**

R BY PUBLIC PROSECUTOR SMT. SAREENA GEORGE. P

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 27-03-
2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Crl.MC.No. 2036 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

**ANNEXURE A- PHOTOCOPY OF THE ORDER DATED 30.1.2015 IN CMP NO.518 /2015
PASSED BY THE CHIEF JUDL. MAGISTRATE COURT, ERNAKULAM.**

**ANNEXURE B- PHOTOCOPY OF THE ORDER DATED 11.3.2015 IN CMP NO. 876/2015
PASSED BY THE CHIEF JUDL. MAGISTRATE COURT, ERNAKULAM.**

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

PA TO JUDGE
sab

P.UBAID, J.

Crl. M.C No.2036 of 2015

Dated this the 27th day of March, 2015.

O R D E R

The petitioners herein are the witnesses and victims in a crime registered by the Central Police, Ernakulam as Crime No.2530 of 2014 under Sections 420 r/w Section 34 IPC and Section 10 r/w 24 of the Emigration Act. The accused in the crime are the persons who conducted illegal recruitment of persons for jobs abroad. On search in the premises, the police seized some passports belonging to various persons. The petitioners are six among them. The other 42 persons made application before the Chief Judicial Magistrate, Ernakulam with a request to release their passport. Their application was allowed by the learned Magistrate on 30.01.2015. These petitioners also made such an application to release their passports. The learned Magistrate allowed their request also on a condition that the petitioners shall execute a bond with two solvent sureties for ₹ 10,000/- each. The learned Magistrate made a further condition that one of the sureties shall be a close relative of the petitioners. The petitioners are

aggrieved by the said condition. On the application of the other 42 witnesses no such condition was imposed by the learned Magistrate. Annexure A is copy of the order in C.M.P No. No.518 of 2015. Annexure B is copy of the order in C.M.P 876 of 2015 made by these petitioners. Only as against these petitioners there is a condition that one of the sureties shall be a close relative. It is not known why such a condition was imposed by the learned Magistrate. These petitioners and others are only witnesses and victims in the case. They are not accused in the crime. The objectionable condition is liable to be set aside. Execution of bond by two sureties as ordered by the court will suffice to ensure production of the passport, if required during trial.

In the result, this petition is allowed. The second part of the condition imposed by the court below, as per the order dated 11.3.2015 in C.M.P No.876 of 2015 will stand set aside.

Sd/-

P.UBAID,
JUDGE