

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

WEDNESDAY, THE 20TH DAY OF MAY 2015/30TH VAISAKHA, 1937

CrI.MC.No. 2798 of 2015 ()

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CRL.M.P.NO.1800/2015 IN CrI.M.C.No. 377/2015 OF
IV ADDITIONAL SESSIONS COURT, THRISSUR**

PETITIONER(S)/ACCUSED:

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GOVINDANKUTTY M.V AGED 51 YEARS
S/O.VELU, MADATHIPARAMBIL, PALISSERY HOUSE
ENGAKKAD, WADAKKANCHERY, THRISSUR 680589**

**BY ADVS.SRI.SANTHOSH G. PRABHU
SRI.S.KANNAN
SMT.A.ASWATHY**

RESPONDENT(S)/COMPLAINANT:

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STATE OF KERALA
REPRESENTED BY THE CIRCLE INSPECTOR OF POLICE
WADAKKANCHERY
THRISSUR REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM**

BY PUBLIC PROSECUTOR SMT.SAREENA GEORGE

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 20-05-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Crl.MC.No. 2798 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

**ANNEXURE A1:A TRUE COPY OF THE RELEVANT EXTRACT OF JANMABHOOMI DAILY
DATED 07.01.2015**

**ANNEXURE A2:A TRUE COPY OF THE CMP.NO.985/2015 FILED BY THE PETITIONER
BEFORE THE HONOURABLE JUDICIAL FIRST CLASS MAGISTRATE COURT,
WADAKKANCHERY**

**ANNEXURE A3:A TRUE COPY OF THE FIR NO. 205/2015 OF POLICE STATION,
WADAKKANCHERY**

**ANNEXURE A4:A TRUE COPY OF THE FIR NO.108/2015 OF WADAKKANCHERY POLICE
STATION**

**ANNEXURE A5:A TRUE COPY OF THE CRL.MC.NO.377/2015 FILED BEFORE THE
HONOURABLE SESSIONS COURT, THRISSUR**

**ANNEXURE A6:A TRUE COPY OF THE HONOURABLE SESSIONS COURT, THRISSUR
DATED 23.03.2015 IN CRL.MC.NO.377/2015**

**ANNEXURE A7:A TRUE COPY OF THE CMP.NO.1800/2015 IN CRL.MC.NO.277/2015
FILED BEFORE THE HONOURABLE SESSIONS COURT**

**ANNEXURE A8:A CERTIFIED COPY OF THE ORDER DATED 27.04.2015 OF THE IV
ADDITIONAL SESSIONS COURT IN CRL.MP.NO.1800/2015 IN CRL.MC.NO.377/2015**

RESPONDENT(S)' EXHIBITS

NIL.

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///True copy///

P.S. to Judge

ALEXANDER THOMAS, J.

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Crl.M.C.No. 2798 of 2015

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Dated this the 20th day of May, 2015

ORDER

This Crl.M.C. has been instituted under Sec.482 of the Code of Criminal Procedure seeking invocation of this Court's inherent powers conferred as per that provision, and to quash the impugned Anx.A-8 order rendered on 27.4.2015 by the Court of Session of Thrissur in Crl.M.P.No.1800/2015 in Crl.M.C.No. 377/2015 refusing to lift condition No.2 of Anx. A-6 order granting anticipatory bail to the petitioner by the said court. As per the impugned condition No.2 of Anx. A-6 order granting pre-arrest bail imposed by the Sessions Court, Thrissur, it was directed that the petitioner herein shall not enter into the jurisdiction of the Sessions division, Thrissur, for six months without the leave of the learned Magistrate, except for the purpose of reporting before the Investigating Officer as directed in the order. The court below refused to lift the above said condition as per the impugned Anx.A-8 order on the ground that as the petitioner is an accused for offences punishable under Secs.341 and

326 of IPC and as he is an activist of political organization, there is every likelihood of his further involvement thus disturbing the public tranquility and that as the final report/charge sheet has already been filed, the prayer for lifting the condition can be considered, once the case is committed to the court of session under Sec.209 of Cr.P.C. and that the application in that regard preferred by the petitioner herein is premature. Accordingly, the request of the petitioner was rejected with liberty to move the court of session for appropriate orders on the same request after committal of the case under Sec.209 from the jurisdictional Magistrate concerned. This order that is under challenge in this Crl.M.C.

2. Heard Sri.Santhosh G.Prabhu, learned counsel for the petitioner and the learned Public Prosecutor appearing for the respondent.

3. When the case came up for consideration on 12.5.2015, this Court had requested the Public Prosecutor to ascertain and submit as to whether the petitioner is in fact a journalist working in Janmabhoomi Malayalam daily, as claimed by him or whether he is only a political activist. The learned Public Prosecutor submits on

instructions that the petitioner is a political activist. But the petitioner has produced Anx. A-1, which is photocopy of a news report that appeared in Janmabhoomi, which is a piece of journalistic article said to have been authored by the petitioner, Sri.Govindankutty. It is submitted by the petitioner that the entire offences alleged against the petitioner are false and that he has been indicted at the instance of the defacto complainant, who is the immediate neighbour of the petitioner, due to other personal disputes. It is further pointed out by the learned counsel for the petitioner that if the petitioner is at least not permitted to entire his place of work to discharge his professional duties as a journalist of the aforementioned newspaper establishment, it would disturb his career and it will cause prejudice to him. It is further undertaken by the learned counsel for the petitioner that until the petitioner moves an appropriate application before the Sessions Court after committal of the case under Sec.209 of the Cr.P.C., he may be permitted to enter this area to discharge his duties as a professional journalist and he further undertakes that he will not reside in his residence in that area so that the apprehension that he will cause any disturbance to the immediate neighbour is also abated. The

aforementioned submission of the learned counsel for the petitioner appears to be reasonable and fair. The petitioner has been able establish before this Court that he is a journalist as disclosed by Anx. A-1 newspaper article. Accordingly, it is ordered in the interest of justice that until the petitioner moves the court below at the appropriate stage as indicated in Anx.A-8, the petitioner will be permitted to enter the area concerned only for the limited purpose of discharging his duty as a professional journalist and he shall not go near his residence or near the residence of his neighbour, who is the defacto complainant in this case. This is an interim arrangement and to that extent, the impugned condition No.2 of Anx.A-6 would stand modified. It is made clear that at the appropriate stage the petitioner may move an appropriate application before the court below for lifting condition No.2 in its entirety, which will be considered by the court below on its merits, after hearing the petitioner and the investigating agency or the prosecution concerned. It is further made clear that in case the petitioner causes any disturbances in the area concerned or to the defacto complainant, the complaints in that regard shall be duly inquired into by the investigating officer and he will be at liberty to approach

the competent court for cancellation of the bail.

With these observations and directions, the Crl.M.C. stands finally disposed of.

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///True copy///

Sd/-
ALEXANDER THOMAS, JUDGE

P.S. to Judge