

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

TUESDAY, THE 7TH DAY OF JULY 2015/16TH ASHADHA, 1937

CrI.MC.No. 4139 of 2015 ()

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CRMC 330/2015 of D.C.& SESSIONS COURT,MANJERI
CRIME NO. 489/2014 OF MELATTUR POLICE STATION, MALAPPURAM
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PETITIONER/PETITIONER/1ST ACCUSED :

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VIJAYAKUMAR, AGED 65 YEARS,
S/O. APPU NAIR, "ANUGRAHA" PUDUPPARIYARAM,
OLAVAKKODE, PALAKKAD DISTRICT.**

**BY ADVS.SRI.K.M.SATHYANATHA MENON
SMT.KAVERY S THAMPI**

RESPONDENTS/RESPONDENT & STATE :

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- 1. THE STATION HOUSE OFFICER,
MELATTUR POLICE STATION, MELATTUR,
MALAPPURAM DISTRICT PIN - 679326.**
 - 2. STATE OF KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682031.**

R1 & R2 BY PUBLIC PROSECUTOR SRI. GITHESH R.

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 07-07-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

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APPENDIX

PETITIONER'S ANNEXURES

**ANNEXURE A: COPY OF THE AFFIDAVIT DT 27/10/2010 SWORN BY
SRI. MOHAMMED BABU.**

**ANNEXURE B: COPY OF THE AFFIDAVIT DT 7/1/2014 SWORN BY
SRI. MOHAMMED BABU.**

**ANNEXURE C: COPY F THE COMMUNICATION DT 16/1/2014 SENT BY THE
PETITIONER TO SRI. MOHAMMED BABU BY COURIER.**

**ANNEXURE C(A): COPY OF THE RECEIPT ISSUED BY RESPECT SENDING
ANNEXURE -C.**

**ANNEXURE D: COPY OF THE COMMUNICATION DT 18/6/2014 SENT BY THE
PETITIONER TO SRI. MOHAMMED BABU.**

**ANNEXURE E: COPY OF THE LAWYER NOTICE DT 6/8/2014 ISSUED TO
SRI. MOHAMMED BABU.**

**ANNEXURE F: COPY OF THE COMMUNICATION ISSUED BY THE PETITIONER TO
BRANCH MANAGER, ICICI BANK, T. NAGAR BRANCH, CHENNAI
DT 22/3/2014.**

ANNEXURE G: COPY OF THE JUDGMENT DT 10/10/2014 IN WPC NO. 25775 OF 2014.

**ANNEXURE H: COPY OF THE ORDER DT 2/3/2015 IN CRL.M.C. NO. 330 OF 2015 ON
THE FILE OF THE COURT OF THE SESSIONS JUDGE, MANJERI.**

ANNEXURE I: COPY OF THE ORDER DT 9/6/2015 IN B.A. NO.3042/2015.

ANNEXURE J: COPY OF THE ORDER DT 01/04/2014 IN BA NO. 1896 OF 2015.

ANNEXURE K: COPY OF THE ORDER DT 29/6/2015 IN BA NO. 3634/2015.

**ANNEXURE L: COPY OF THE ORDER DT 19/8/2014 IN CRL.O.P. NO. 22107 OF 2014 OF
THE HIGH COURT OF JUDICATURE AT MADRAS.**

**ANNEXURE M: COPY OF THE PUBLIC NOTICE PUBLISHED IN PRABHTHA VARTHA
DAILY DT 24/7/2014.**

**ANNEXURE N: COPY OF THE CERTIFICATE ISSUED BY DR.A . ASOKAN DT 2/7/2015 IN
FAVOUR OF THE PETITIONER.**

**ANNEXURE O: COPY OF THE MEDICAL CERTIFICATE DT 2/7/2015 ISSUED BY DR.A.
ASOKAN IN FAVOUR OF THE PETITIONER.**

RESPONDENT'S ANNEXURES : NIL.

//TRUE COPY//

P.S. TO JUDGE

bp

ALEXANDER THOMAS, J.

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Crl.M.C.No. 4139 of 2015

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Dated this the 7th day of July, 2015

ORDER

This Criminal Miscellaneous Case is filed seeking for an order from this Court to delete condition No.3 of Anx.H bail order passed by the Sessions Judge, Manjeri, as per the order dated 2.3.2015 in Crl.M.C.No.330/2015 filed in Crime No.489/2014 of Melattur Police Station. Indisputably, Anx.H order is passed by the Sessions Court, Manjeri and is seen rendered on 2.3.2015. It is the considered opinion of this Court that in a matter like this, the petitioner should have first approached that court with the present prayer and to establish the necessity of such a plea on the basis of the relevant aspects of the matter. The main plank of the petitioner's case is that the petitioner is suffering from serious ailments and is based in Madras and that these ailments disable him from frequent travel to Manjeri to comply with the impugned condition No.3. If an appropriate application is filed, the same shall be considered by the Sessions Court concerned in the light of the relevant aspects of the

matter, more particularly, as discernible from Anxs.N and O medical certificates and such other attendant circumstances. Accordingly, granting liberty to the petitioner to approach the Sessions Court, Manjeri, as stated above for consideration of the same prayer, this Crl.M.C. is closed.

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Sd/-
ALEXANDER THOMAS, JUDGE

///True copy///

P.S. to Judge