

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

THURSDAY, THE 30TH DAY OF JULY 2015/8TH SRAVANA, 1937

Crl.MC.No. 4763 of 2015 ()

CRIME NO. 2070/2014 OF KALADY POLICE STATION, ERNAKULAM DISTRICT

PETITIONER/ACCUSED NO.11 :

**SOYAN VARGHESE,
AGED 48 YEARS, S/O.VARGHESE,
VADAKKUMCHERY HOUSE, PANAYALI KARA
KALADY P.O., KALADY VILLAGE.**

BY ADV. SRI.JAISON JOSEPH

RESPONDENT/STATE :

**STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM
REPRESENTING THE SUB INSPECTOR OF POLICE
KALADY POLICE STATION.**

BY PUBLIC PROSECUTOR SRI. DHANESH MATHEW MANJOORAN

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 30-07-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

...2/-

Crl.MC.No. 4763 of 2015 ()

APPENDIX

PETITIONER(S)' ANNEXURES :

- ANNEXURE-A1. TRUE PHOTOCOPY OF THE ORDER IN CRL.MC NO.3923/2015
ON THE FILE OF THE HIGH COURT OF KERALA.**
- ANNEXURE-A2. COPY OF THE COMMON ORDER DATED 16/7/2015 IN CRL.M.P.
NO.1093/2015 AND 1167/A OF 2015 ON THE FILE OF
JUDICIAL FIRST CLASS MAGISTRATE COURT, KALADY.**
- ANNEXURE-A3. TRUE PHOTOCOPY OF THE COMMON ORDER DATED 16/7/2015
IN CRL.M.P. NO.576(A)/2015 AND 576(B)/2015 ON THE FILE OF
JUDICIAL FIRST CLASS MAGISTRATE COURT, KALADY IN
CRIME NO.249/2014 OF KALADY POLICE STATION.**

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

Mn

ALEXANDER THOMAS, J.

Crl.M.C.No.4763 Of 2015

Dated this the 30th day of July, 2015.

ORDER

The limited relief that is sought for by the petitioner in this Crl.M.C is for an order from this Court to delete the impugned condition No.1 of Anx-A2 order rendered by the Judicial First Class Magistrate Court, Kalady on 16.7.2015 on C.M.P.No.1167/2015 in Crime No.2070/2014 of Kalady Police Station. Pursuant to the direction of this Court in Anx-A1 rendered on 3.7.2015, the petitioner made application before the court below for issuance of passport and separate application seeking permission of the court below to go abroad. Both the applications were substantially allowed. The impugned condition No.1 ordered in the latter application reads as follows:

“1. The petitioner shall deposit Rs.2 Lakhs before this court.”

It is submitted that the said condition is onerous and creates difficulties to the petitioner.

2. Heard Sri.Jaison Joseph, learned counsel for the petitioner and the learned Public Prosecutor appearing for the respondent-State of Kerala.

Crl.M.C.No.4763 Of 2015

3. Having regard to the totality of the facts and circumstances of the case, it is ordered in the interest of justice that the impugned condition No.1 shall stand modified and substituted by the direction that the petitioner shall execute a bond for Rs.2 Lakhs (Rupees Two Lakhs only) and shall furnish two solvent sureties for the like sum each to the satisfaction of the Judicial First Class Magistrate Court, Kalady. The petitioner shall also produce before the court below attested copy of the visa and furnish his address in the foreign country concerned along with telephone number (land line number and mobile cellular number) and email ID where he can be contacted in the foreign country. The said details shall be filed in a separate affidavit with a copy to be served to the Investigating Officer concerned through the Public Prosecutor concerned. All other conditions in the impugned order shall remain unaltered.

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

ALEXANDER THOMAS,
Judge.

bkn/-