

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS**

**TUESDAY, THE 11TH DAY OF AUGUST 2015/20TH SRAVANA, 1937**

**Crl.MC.No. 5147 of 2015**  
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**CC.NO.512/2008 OF 2ND ADDITIONAL JUDICIAL FIRST CLASS MAGISTRATE COURT,  
CHITRADURGA, KARNATAKA.**  
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**PETITIONER/ACCUSED:**  
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**IBRAHIMKUTTY A.P., AGED 47 YEARS,  
S/O ABUBACKER KUNJU,  
PRESIDENT A.M.M. CHARITABLE SOCIETY,  
MALIYA HOUSE, KANIYAPURAM P.O., KANIYAPURAM,  
THIRUVANANTHAPURAM ALSO HAVING HIS ADDRESS  
AT PALLISERIKKAL P.O. , SATHAMKOTTA, KOLLAM.**

**BY ADV. SRI.T.K.ANANDA KRISHNAN**

**RESPONDENT/COMPLAINANT:**  
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- 1. STATE OF KERALA,  
REPRESENTED BY THE PUBLIC PROSECUTOR,  
OFFICE OF THE ADVOCATE GENERAL,  
HIGH COURT OF KERALA, ERNAKULAM - 682 031.**
- 2. THE SUPERINTENDENT OF POLICE (RURAL),  
KOLLAM - 686 001.**
- 3. THE SUPERINTENDENT OF POLICE (RURAL),  
THIRUVANANTHAPURAM - 695 001.**
- 4. SUB INSPECTOR OF POLICE,  
SASTHAMKOTTA POLICE STATION,  
SASTHAMKOTTA, KOLLAM - 686 015.**
- 5. SUB INSPECTOR OF POLICE,  
MANGALAPURAM POLICE STATION,  
MANGALAPURAM, THIRUVANANTHAPURAM - 686 015.**

**BY STATE ATTORNEY SRI.VIJAYARAGHAVAN**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION  
ON 11-08-2015, THE COURT ON THE SAME DAY PASSED THE  
FOLLOWING:**

**mbr/**

**APPENDIX**

**PETITIONER(S)' ANNEXURS:**  
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- ANNEXURE I:** TRUE COPY OF THE RECEIPT SHOWING THE PAYMENT OF MONEY.
- ANNEXURE II:** TRUE COPY OF THE DIS-ABILITY CERTIFICATE ISSUED TO THE PETITIONER.
- ANNEXURE III:** TRUE COPY OF THE NOTICE OF MERGER MEETING OF THE POLITICAL PARTIES.

**RESPONDENTS' ANNEXURES:** NIL.

**//TRUE COPY//**

**P.S. TO JUDGE**

**mbr/**

ALEXANDER THOMAS, J.

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Crl.M.C.No.5147 of 2015

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Dated this the 11<sup>th</sup> day of August, 2015

O R D E R

The prayer in this Crl.M.C.is as follows:

“to grant 45 days time to surrender before the respondents and direct the respondents to permit the petitioner to execute a bail bond as contemplated under Section 81(1) of the Cr.P.C.”

2. When the matter has come up for consideration before this Court on 07/08/2015 this Court had passed an order on that day which reads as follows:

“ It is stated by the petitioner that he is an accused in C.C.No. 512 of 2008 on the file of the Judicial First Class Magistrate Court, Chitradurga, Karnataka alleging offence punishable under Section 138 of the Negotiable Instruments Act. It is pointed out that due to his non appearance before the said court in Karnataka, non bailable warrant is sought to be executed in Kerala, without complying the legal formalities, etc. The petitioner relies on the enabling provision contained under Section 81(1) first proviso that in the event of his arrest he may be ordered to be released on bail by the authorities designated in the 1<sup>st</sup> proviso of Section 81 (1) of the Cr.P.C.

2. Section 78 of the Cr.P.C. deals with matters connected with the warrant forwarded for execution outside jurisdiction and Section 79 deals with warrant directed to police officer for execution outside jurisdiction.

Section 80 provides as follows:

“80. Procedure on arrest of person against whom warrant issued.–When a warrant of arrest is executed outside the district in which it was

issued, the person arrested shall, unless the Court which issued the warrant is within thirty kilometres of the place of arrest or is nearer than the Executive Magistrate or District Superintendent of Police or Commissioner of Police within the local limits of whose jurisdiction the arrest was made, or unless security is taken under section 71, be taken before such Magistrate or District Superintendent or Commissioner.”

Section 81 provides as follows:

“81. Procedure by Magistrate before whom such person arrested is brought.-(1) The Executive Magistrate or District Superintendent of Police or Commissioner of Police shall, if the person arrested appears to be the person intended by the Court which issued the warrant, direct his removal in custody to such Court:

Provided that, if the offence is bailable, and such person is ready and willing to give bail to the satisfaction of such Magistrate, District Superintendent or Commissioner, or a direction has been endorsed under section 71 on the warrant and such person is ready and willing to give the security required by such direction, the Magistrate, District Superintendent or Commissioner shall take such bail or security, as the case may be, and forward the bond, to the Court which issued the warrant:

Provided further that if the offence is a non-bailable one, it shall be lawful for the Chief Judicial Magistrate (subject to the provisions of section 437), or the Sessions Judge, of the district in which the arrest is made on consideration of the information and the documents referred to in sub-section (2) of section 78, to release such person on bail.

(2) Nothing in this section shall be deemed to prevent a police officer from taking security under section 71.”

3. Heard Sri.T.K.Ananda Krishnan, learned counsel appearing for the petitioner and Sri. P.Vijayaraghavan, learned State Attorney appearing for the respondent State of Kerala.

4. In the facts and the circumstances of the case, it is

ordered in the interest of justice that in case the petitioner is arrested in connection with the aforestated case, then he shall be released on bail on executing bond for Rs.50,000/- and on furnishing two solvent sureties for the like sum each to the satisfaction of the Superintendent of Police (Rural) Kollam.

List on 11/08/2015 at 1:45 p.m. to enable the learned State Attorney to furnish statements and to pass any further orders, if necessary."

3. Thereafter the matter has come up for consideration consideration today (11/08/2015), on which day Sri.T.K.Ananda Krishnan learned counsel for the petitioner and Sri.P.Vijayaraghavan learned State Attorney appearing for the respondent State of Kerala submit that this Court made the order dated 7/08/2015 passed by this Court in this case as absolute and may close the Crl.M.C. accordingly, as no further orders are necessary. In the light of this submission it is ordered that, the order dated 07/08/2015, passed on Crl.M.A.No.7730 of 2015 in Crl.M.C.No.5147 of 2015, is made absolute and the Crl.M.C. is closed as no further orders are necessary.

It is further made clear that in case the petitioner has any further grievance it is open to him to work out his remedies in accordance with law.

Sd/- ALEXANDER THOMAS, JUDGE