

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

TUESDAY, THE 25TH DAY OF AUGUST 2015/3RD BHADRA, 1937

Crl.MC.No. 5678 of 2015

**ORDER DATED 29-07-2015 IN CRMC 1601/2015 OF SESSIONS COURT,THRISSUR
CRIME NO. 1288/2014 OF IRINJALAKUDA POLICE STATION , THRISSUR**
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PETITIONER(S)/ACCUSED:

- 1. BENNY, AGED 42 YEARS,
S/O. JOHNY, PALLAN HOUSE, PORATHUSSERY DESOM,
MUKUNDAPURAM TALUK, THRISSUR DISTRICT.**
- 2. VINITHA, AGED 38 YEARS,
W/O. LATE SEKHARAN, KUTTIKATT HOUSE, PARIYAPURAM DESOM,
VETTAM VILLAGE, THIROOR TALUK, MALAPPURAM DISTRICT.**

**BY ADVS.SRI.SANTHEEP ANKARATH
SRI.Y JAFAR KHAN**

RESPONDENT(S)/STATE:

**STATE OF KERALA,
REPRESENTED BY ITS PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM,
REPRESENTING SUB INSPECTOR OF POLICE,
IRINJALKKUDA POLICE STATION, IRINJALAKKUDA,
THRISSUR DISTRICT.**

BY PUBLIC PROSECUTOR SRI.C.RASHEED

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
25-08-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

Crl.MC.No. 5678 of 2015

APPENDIX

PETITIONER(S)' ANNEXURES:

**A1 - CERTIFIED COPY OF THE ORDER IN CRL.M.P NO. 1841/2015 DT. 05.3.2015 ON THE
FILE OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT, IRINJALAKKUDA.**

**A2 - CERTIFIED COPY OF THE ORDER IN CRL.M.C 1601/2015 DT. 29.7.2015 ON THE
FILE OF THE SESSIONS COURT, THRISSUR.**

RESPONDENT(S)' ANNEXURES:

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msv/

K. ABRAHAM MATHEW, J.

Crl.M.C. No.5678 of 2015

Dated this the 25th day of August 2015

O R D E R

Petition filed under Section 482 Cr.P.C.

2. Petitioners were granted bail by the Judicial Magistrate of First Class, Irinjalakkuda in Crl.M.P. No.1841 of 2015. In Crime No.1288 of 2014 of Irinjalakkuda Police station; they have been accused of having committed the offences under Secs.120B, 201 and 302 read with Sec.34 of the Indian Penal Code. One of the conditions was that one of the sureties shall be a close relative of the petitioners. The correctness of this direction is challenged.

2. Heard both sides.

3. The 1st petitioner is aged 42 years and the 2nd petitioner aged 38. Having regard to this fact, I am of the opinion that the direction that one of the sureties shall be one of the near relatives of the petitioner is inappropriate. It is also seen that the learned Magistrate has not imposed the mandatory conditions in the bail order.

In the result, the order of the learned Magistrate in Crl.M.P. No.1841 of 2015 is set aside and this Crl.M.C. is allowed by issuing the following directions.

1) The petitioners will be released on bail on their executing a bond for Rs.1,00,000/- (Rupees one lakh only) each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate concerned.

2) The petitioners shall appear before the Investigating Officer between 10.00 a.m. and 11.00 a.m. every Wednesday for four months or till the final report is filed, whichever is earlier.

3) The petitioners shall surrender their passports before the lower court concerned or if they do not have the one, file affidavits to that effect.

4) The petitioners shall not leave India

without the previous permission of the court of enquiry or the trial court concerned as the case may be.

5) The petitioners shall not destroy or tamper with evidence nor shall they get themselves involved in any other criminal case.

6) The petitioners shall not intimidate or attempt to influence the witnesses.

In case of violation of any of the above conditions, the learned Magistrate is empowered to cancel the bail in accordance with the law.

Sd/-
K. ABRAHAM MATHEW
JUDGE

/ True Copy /

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P.A. To Judge