

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 21ST DAY OF DECEMBER 2015/30TH AGRAHAYANA, 1937

Cri.MC.No. 4888 of 2014 ()

AGAINST ORDER IN CMP.2662/2014 OF JFCM, NEDUMKANDAM

PETITIONER(S)/ACCUSED NO.2:

SHIJUMON IYPE, AGED 35 YEARS
S/O.IYPE, VADUMALAYIL HOUSE, PAMPADUMPARA.

BY ADVS.SRI.S.RAJEEV
SRI.K.K.DHEERENDRAKRISHNAN

RESPONDENT(S)/COMPLAINANT/STATE:

STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA
ERNAKULAM-682031 (CRIME NO.21/2014 OF
NEDUMKANDAM POLICE STATION
IDUKKI DISTRICT.)

R BY PUBLIC PROSECUTOR SMT.SAREENA GEORGE

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 21-12-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

ANNEUXRE-I TRUE COPY OF THE ORDER IN BA.560/14 DTD 28.1.14.

ANNEUXRE-II TRUE COPY OF THE ORDER IN CMP.2662/14 IN CP.54/14 OF JFCM,
NEDUMKANDAM

ANNEUXRE-III TRUE COPY OF THE ORDER IN CRL.M.A.5433/14 IN BA.560/14.

// True Copy //

PA to Judge

B. KEMAL PASHA, J.

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Crl.M.C. No.4888 of 2014 F
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Dated this the 21st day of December, 2015

O R D E R

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Petitioner is the 2nd accused in CP No.54/2014 of the Judicial First Class Magistrate's Court, Nedumkandam, which has arisen from Crime No.21/2014 of Nedumkandam Police Station for the offences punishable under Sections 143, 144, 147, 148, 294(b), 323, 324 and 307 read with Section 149 IPC.

2. While granting bail to the petitioner through Annexure-I order, this Court had imposed the condition that the petitioner and the other persons to whom bail was granted, should not involve in any offence while on bail. It has come out that Crime No.314/2014 of Nedumkandam

Police Station was registered against the petitioner and other accused alleging offences punishable under Sections 143, 144, 147, 148, 294(b), 323, 324 and 307 read with Section 149 IPC. Evidently, the said crime has been registered after the enlargement of the petitioner on bail through Annexure-I order.

3. Through Annexure-I order, this Court had made clear that in case of violation of the said condition and some other conditions, it is open to the investigating officer to seek cancellation of bail granted, by moving appropriate application before the learned Magistrate until committal and thereafter before the learned Sessions Judge. The court below, in exercise of such power, has ordered the arrest of the petitioner through Annexure-II order.

4. On hearing the learned counsel for the petitioner and the learned Public Prosecutor, this Court is of the view that there is absolutely no illegality, irregularity or jurisdictional error on the part of the court below in passing

CrI.M.C.4888/2014

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such an order invoking the power under Section 437(5) Cr.P.C. This CrI.M.C. is devoid of merits and it is only to be dismissed, and I do so.

In the result, this CrI.M.C. is dismissed.

Sd/-
(B.KEMAL PASHA, JUDGE)

aks/21/12

// True Copy //

PA to Judge