

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 30TH DAY OF SEPTEMBER 2015/8TH ASWINA, 1937

Crl.MC.No. 6235 of 2015 ()

**CMP 1844/2015 AND CMP 1845/2015 of JUDICIAL FIRST CLASS MAGISTRATE COURT-II,
PERAMBRA**

CRIME No. 256/2015 OF ATHOLY POLICE STATION , KOZHIKODE DISTRICT
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PETITIONERS/ACCUSED NOS.2 AND 6:

- 1. FAISAL M.V., AGED 26 YEARS
S/O.AHAMMED HAJI, RAHMATH MANZIL
CHERUVATHOOR
KAITHAKKAD, KASARAGOD.**
- 2. K.P.SIDDIQUE, AGED 39 YEARS
S/O.AHAMMED HAJI, SALAMATH MANZIL
PAYYANKI, KAITHAKKAD, KASARAGOD.**

BY ADV. SRI.P.K.SUBHASH

RESPONDENTS/STATE:

**STATE OF KERALA REPRESENTED BY THE
HIGH COURT OF KERALA, ERNAKULAM-682031.**

BY PUBLIC PROSECUTOR SMT. SHEEBA M.T.

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 30-09-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

APPENDIX

PETITIONERS' EXHIBITS

**ANNEXURE-A1: A TRUE COPY OF THE APPLICATION SUBMITTED BY THE 1ST
PETITIONER AS C.M.P.NO.1845 OF 2015 OF JUDICIAL FIRST CLASS
MAGISTRATE COURT-II, PERAMBRA.**

ANNEXURE-AII: A TRUE COPY OF THE APPLICATION IN C.M.P.NO.1844 OF 2015

**ANNEXURE-AIII: A TRUE COPY OF THE COMMON ORDER DATED 20.8.2015 IN
C.M.P.NO.1844 OF 2015 AND C.M.P.NO.1845 OF 2015 IN CRIME NO.256 OF
2015 OF ATHOLI POLICE STATION.**

RESPONDENT'S EXHIBITS

NIL

TRUE COPY

P.A. TO JUDGE

SD

P. UBAID, J.

Crl.M.C.No.6235 of 2015

Dated this the 30th day of September, 2015

O R D E R

The petitioners herein are the accused Nos. 2 and 6 in Crime No.256/2015 of the Atholi Police Station. As directed by the learned Judicial First Class Magistrate-II, Perambra, the petitioners have surrendered their passport in court as a condition for bail. The petitioners are permanently employed abroad. They filed applications before the learned Magistrate as CMP No.1844/2015 and CMP No.1845/2015 to release their passport. The learned Magistrate dismissed the applications on 20.08.2015, on the ground that the petitioners will abscond, if the passport is released. The petitioners are aggrieved, and so, they seek orders from this Court directing the court below to release the passport.

2. On hearing both sides, and on a perusal of the materials, I find that the passport of the petitioners can be released for a reasonable period. It is submitted by the learned Public Prosecutor that the other accused are also permanently employed abroad. It is appropriate that the petitioners be allowed to join

their employment there and come back within a reasonable period. If the passport is required further during trial, they can make application before the learned Magistrate, and if there is no possibility of the trial being completed in the near future, the request can be allowed by the learned Magistrate.

In the result, this petition is allowed. The court below is directed to release the petitioners' passport for a period of six months from the date of release, on condition that before the expiry of the period six months, the petitioners shall surrender their passport, and if it is required further, necessary application can be filed before the learned Magistrate.

Sd/-

P. UBAID, JUDGE

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