

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

MONDAY, THE 28TH DAY OF SEPTEMBER 2015/6TH ASWINA, 1937

Crl.MC.No. 6289 of 2015 ()

**CRMP 2306/2015 of II ADDITIONAL SESSIONS JUDGE (VACATION JUDGE), KOLLAM
CRIME NO. 807/2015 OF KOLLAM WEST POLICE STATION , KOLLAM DISTRICT**
=====

PETITIONER/ACCUSED:

**MURUKAN, AGED 34 YEARS, S/O. SHANTHAKUMARAN
MURUKALAYAM, JAYAN NAGAR-6
DEPOT PURAYIDOM, KOLLAM WEST VILLAGE, KOLLAM DISTRICT.**

BY ADV. SRI.B.MOHANLAL

RESPONDENT/COMPLAINANT:

**STATE REPRESENTED BY THE STATION HOUSE OFFICER
KOLLAM WEST POLICE STATION IN KOLLAM DISTRICT
THROUGH THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT. SHEEBA M.T.

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 28-09-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Crl.MC.No. 6289 of 2015 ()

APPENDIX

PETITIONER'S EXHIBITS

**ANNEXURE A1- THE TRUE COPY OF THE ORDER DATED 26-08-2015 IN CRL.MP.NO.
2306/2015 OF THE II ADDITIONAL SESSIONS JUDGE (VACATIONAL
JUDGE), KOLLAM.**

RESPONDENT'S EXHIBITS

NIL

TRUE COPY

P.A. TO JUDGE

SD

P. UBAID, J.

Crl.M.C.No.6289 of 2015

Dated this the 28th day of September, 2015

O R D E R

The petitioner herein seeks modification of a condition imposed by the learned II Additional Session Judge (Vacation Judge), Kollam, while granting bail to him under Section 439 Cr.P.C. in connection with Crime No.807/2015 of the Kollam West Police Station registered under Sections 366 and 376 IPC and Section 3(a) and 4 of the Protection of Children from Sexual Offences Act. The petitioner is required to execute a bond for Rs.25,000/- with two solvent sureties, of whom one shall be a close relative of the accused. The petitioner's grievance is that none of his relatives has landed property, and so none of his relatives is in a position to execute the bond. On the said ground, the petitioner seeks modification of the condition. The petitioner has no case that he has no relatives of his own to execute the bond as ordered. If the petitioner has relatives, any of them can come forward and make a request before the court below under Section 445 Cr.P.C. That the relatives have no properties, cannot be a ground to modify or cancel the condition. The willing surety can very well make an application before the court below under

Section 445 Cr.P.C. with request for permission to deposit the bond amount in lieu of execution of bond.

With these observations, this Crl.M.C. is disposed of.

Sd/-

P. UBAID, JUDGE

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