

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 9TH DAY OF OCTOBER 2015/17TH ASWINA, 1937

Cr1.MC.No. 6615 of 2015

AGAINST THE ORDER DATED 11.9.2015 PASSED BY THE JUDICIAL
FIRST CLASS MAGISTRAE COURT IV, KOZHIKODE IN C.M.P
NO.3129/2015 IN C.C NO.1034/2013

PETITIONER/ACCUSED:

HARSHAD, AGED 30 YEARS,
S/O MUHAMMED UNNI, "SHAMILA",
KONARATH HOUSE,
THIRUVATHARA (PO), CHAVAKKAD,
THRISSUR DIST.

BY ADVS.SRI.R.BINDU (SASTHAMANGALAM)
SRI.PRASANTH M.P

RESPONDENT/COMPLAINANT -STATE:

STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM, KOCHI-682 031

BY PUBLIC PROSECUTOR SMT.SHEEBA M.T

THIS CRIMINAL MISC. CASE HAVING COME UP FOR
ADMISSION ON 09-10-2015, THE COURT ON THE SAME DAY
PASSED THE FOLLOWING:

Cr1.MC.No. 6615 of 2015

APPENDIX

PETITIONER'S ANNEXURES:

ANNEXURE A1: COPY OF THE ORDER PASSED BY THE JFCM COURT-
IV, KOZHIKODE IN CMP NO. 3129/15 IN CC NO. 1034/13 DT.
11/9/15

ANNEXURE A2: COPY OF THE APPLICATION FILED BY THE
PETITIONER DT. 11/9/15

RESPONDENT'S ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.6615 of 2015

Dated this the 9th day of October, 2015

O R D E R

This petition is treated as one under Section 439 (1)(b) of the Code of Criminal Procedure. The petitioner herein is the sole accused in C.C No.1034/2013 before the Judicial First Class Magistrate Court IV, Kozhikode. He was granted bail by the learned Magistrate on 11.9.2015, on condition that he shall not leave the State without prior permission of the Court. The petitioner is aggrieved by the said condition, and it is sought to be lifted.

2. On hearing both dies, I feel that this condition is really unreasonable. While imposing conditions for bail, the court shall not maintain an unrealistic approach. It is submitted that cognizance was taken by the learned Magistrate on complaint. It is not known why the learned Magistrate has imposed such a condition. The conditions imposed by courts shall not stand in the way of the accused seeking employment here or abroad. Such harsh conditions can be imposed only in

exceptional circumstances.

In the result, this petition is allowed. The impugned condition imposed by the court below as per the order in C.M.P No.3129/2015 directing that the petitioner shall not leave the State of Kerala without previous permission of the Court, will stand lifted.

**Sd/-
P.UBAID
JUDGE**

//True Copy//

P.A to Judge

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