

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.D.RAJAN

MONDAY, THE 19TH DAY OF OCTOBER 2015/27TH ASWINA, 1937

Cr1.MC.No. 6786 of 2015 ()

AGAINST THE ORDER IN Cr1.MP 1963/2015 of SESSIONS COURT, KOTTAYAM
DATED 14-10-2015

AGAINST THE ORDER IN Cr1.MP 3221/2015 of JUDICIAL MAGISTRATE OF
FIRST CLASS-III, KOTTAYAM DATED 07-09-2015
CRIME NO. 753/2015 OF KUMARAKOM POLICE STATION, KOTTAYAM

PETITIONER(S)/1ST ACCUSED:

ABHILASH SREENIVASAN
S/O.SREENIVASAN AGED 35 YEARS,
MURIACKANATHU
KUMARAKOM, KOTTAYAM.

BY ADV. SRI.S.MANU

RESPONDENT(S)/COMPLAINANT:

1. THE STATE OF KERALA REP.BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM-18.
2. THE SUB INSPECTOR OF POLICE,
KUMARAKOM POLICE STATION,
KOTTAYAM - 686 563

BY PUBLIC PROSECUTOR SMT. SAREENA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
19-10-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

acd

Cr1.MC.No. 6786 of 2015

ANNEXURE-I: CERTIFIED COPY OF THE BAIL ORDER IN CRIME NO.3225/15.

ANNEXURE-II: COPY OF THE MEMORANDUM SUBMITTED TO THE HON'BLE CHIEF MINISTER BY 23 WOMEN AGAINST THE 2ND RESPONDENT.

ANNEXURE-III: COPY OF the RECEIPT OBTAINED ON SUBMITTING THE NOMINATION.

ANNEXURE-IV: COPY OF THE ORDER DATED 14.10.15 IN CRL.M.P.1963/2015 OF THE SESSIONS COURT, KOTTAYAM.

ANNEXURE-V: SURGICAL DISCHARGE SUMMARY OF THE SISTER OF THE PETITIONER.

TRUE COPY

PA TO JUDGE.

acd

P.D. RAJAN, J.

Crl.M.C.No.6786 of 2015

Dated this the 19th day of October, 2015

ORDER

This petition is filed under Section 482 Cr.P.C. to quash condition No.iv in Annexure-I order in Crl.M.P.No.3221/2015 of Judicial Magistrate of the First Class-III, Kottayam. The above Crl.M.P. was filed in Crime No.753/2015 of Kumarakom Police Station by A1 to A6 for bail. The petitioner is the first accused in the above Crime, which was filed u/s.143, 147, 294(b), 341, 353 r/w.149 of IPC.

2. The prosecution allegation in the above case is that on 30.8.2015, the accused formed themselves into an unlawful assembly and obstructed the police jeep and uttered obscene words. In the circumstances, Kumarakom Police

registered the above Crime u/s.143, 147, 294(b), 341, 353 r/w.149 of IPC and investigation is going on. In the meantime, A1, A6, A9, A11, A12 and A16 were arrested by the Police and produced before Judicial First Class Magistrate-III, Kottayam and they were enlarged on bail, according to the following conditions:

- "(i) The petitioners are released on bail on executing bond for ₹25,000/- with two solvent sureties each for the like sum.
- (ii) Petitioners shall appear before the investigating officer on every Saturday in between 11 a.m. and 1 p.m. commencing from 12.9.2015 for a period of three months from today or till the filing of charge sheet whichever is earlier.
- (iii) Accused shall co-operative with the investigation.
- (iv) Accused shall not enter Kumarakam village for a period of three months except for complying condition N.2.
- (v) Accused shall not threaten the witnesses or tamper with the evidence.

3. The learned counsel appearing for the petitioner contended that the petitioner is the President of

Bharatheeya Janatha Yuva Morcha, Ettumanoor Assembly Constituency Committee and Secretary of BJP Kumarakom Panchayat Committee. He has been nominated by his party to contest from Ward No.13 to Ettumanoor Block Panchayat. The learned counsel submits that if condition No.IV in Annexure-I order passed by the Judicial Magistrate of First Class-III, Kottayam in Crl.M.P.3221/2015 is retained, it will adversely affect his election campaign.

4. The learned Public Prosecutor has no objection in lifting condition No.iv in Annexure-I order imposed by the trial Court.

5. It is true that the petitioner is a candidate contesting from Ward No.13 to Ettumanoor Block Panchayat. As per Annexure-I order, the petitioner is prevented from entering in Kumarakom Village for a period

of three months except for the purpose of reporting before the Investigating Officer on Saturdays. Considering the facts and circumstances of the case, condition No.iv in Annexure-1 order of the Judicial First Class Magistrate-III, Kottayam is hereby set aside, but other conditions in Annexure-I order shall continue.

Crl.M.C.is disposed of.

P.D. RAJAN, JUDGE.

acd

the 2nd respondent came to Asarimattom Colony, Kumarakom with a police party for investigation of a case. They chased some persons and three persons jumped into Vembanad Lake, frightened by the police action. One among those who jumped into the lake was missing for hours and was found out in an unconscious state after several hours. At that time, the local people protested against the police action. On the basis of that, the Police registered the above crime and going on investigation.

