

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 28TH DAY OF OCTOBER 2015/6TH KARTHIKA, 1937

CrI.MC.No. 6929 of 2015 ()

CRMP 2264/2015 of JUDICIAL FIRST CLASS MAGISTRATE COURT-III,NORTH PARAVUR
CRIME NO. 928/2014 OF PUTHENVELIKKARA POLICE STATION , ERNAKULAM
DISTRICT
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PETITIONER:

SUKUMARAN K.V., AGED 61 YEARS
S/O. VELAYUDHAN, KONATTU HOUSE
WARD NO.16, KEEZHMADU PANCHAYAT
ALUVA TALUK, ERNAKULAM

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

RESPONDENTS:

- 1. SAROJINI, AGED 71 YEARS, W/O. ANANDAN**
VALIYAPARAMBIL HOUSE, KOMARANKERI POKKAM
PUTHANVELIKKARA VILLAGE, PARAVUR
ERNAKULAM DISTRICT
- 2. STATE OF KERALA, REPRESENTED BY PUBLIC PROSECUTOR**
HIGH COURT OF KERALA, ERNAKULAM – 682031
[CRIME NO.928/2014 OF PUTHENVELIKKARA
POLICE STATION, ERNAKULAM DISTRICT]

R2 BY PUBLIC PROSECUTOR SMT. SHEEBA M.T.

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 28-10-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:

CRL.M.C.NO.6929/2015

APPENDIX

PETITIONER'S EXHIBITS

ANNEXURE-I COPY OF THE REMAND REPORT SUBMITTED BY THE INVESTIGATING OFFICER

ANNEXURE-II CERTIFIED COPY OF THE ORDER DATED 22.09.2015 IN CRL.M.P.NO.2264/2015 PASSED BY THE JUDICIAL MAGISTRATE OF FIRST CLASS-III, NORTH PARAVUR

RESPONDENTS' EXHIBITS

NIL

// TRUE COPY // P.A. TO JUDGE

SD

P. UBAID, J.

Crl.M.C.No.6929 of 2015

Dated this the 28th day of October, 2015

O R D E R

The petitioner herein seeks cancellation of the bail granted to the 1st respondent herein under Section 437 Cr.P.C., by the learned Judicial First Class Magistrate-III, N.Paravur in Crime No.928/2014 of the Puthenvelikkara Police Station, registered under Sections 498-A and 306 IPC. Annexure-II is the copy of the said order. The petitioner herein is the father of the girl, who committed suicide due to the abetment allegedly made by the accused. His grievance is that bail was granted by the learned Magistrate without application of mind. The impugned order shows that the 1st respondent is a lady aged 71 years, having some ailments of old age. The learned Magistrate considered the proviso to Section 437 Cr.P.C. regarding women and on a consideration of present physical circumstances of the accused, the learned Magistrate granted bail to the respondent. The impugned order also shows that the other accused are already on bail.

2. On hearing the learned counsel and on a perusal of the impugned order, I find no reason or ground to cancel the bail. Such a course can be resorted to only if there is absolute necessity, or compelling circumstances. Here, the other accused are already on bail, and the respondent was granted bail by the learned Magistrate on a special consideration that she is an aged lady having ailments of old age. This matter does not involve any compelling circumstances for cancellation of the bail granted by the learned Magistrate. Hence, this Crl.M.C. is dismissed.

Sd/-

P. UBAID, JUDGE

sd

// True Copy //

P.A. to Judge