

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

THURSDAY, THE 26TH DAY OF NOVEMBER 2015/5TH AGRAHAYANA, 1937

Crl.MC.No. 7398 of 2015

AGAINST THE ORDER IN CMP 7868/2015 of J.M.F.C.,PAYYANNUR DATED 18-11-2015

AGAINST THE ORDER IN CMP 7996/2015 of J.M.F.C.,PAYYANNUR DATED 20-11-2015

CRIME NO. 1070/2015 OF PAYANGADI POLICE STATION, KANNUR

PETITIONER(S)/ACCUSED :-

**DEVI, AGED 28 YEARS, W/O AYYAPPAN,
HOUSE NO. 22, THIRUPURAMKUNDAM,
NEAR TO MURUGAN KOVIL, MADURAI DISTRICT.**

BY ADV. SRI.K.V.RAMABHADRAN

RESPONDENT(S)/COMPLAINANT :-

**STATE OF KERALA, REPRESENTED BY
STATION HOUSE OFFICER OF PAYANGADI POLICE STATION,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, AT ERNAKULAM.**

R BY SRI.JUSTIN JACOB, PUBLIC PROSECUTOR

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 26-11-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

rkj

Crl.MC.No. 7398 of 2015

APPENDIX

PETITIONER(S)' ANNEXURES :-

**ANNEXURE A - TRUE COPY OF ORDER IN C.M.P 7868/15 IN CRIME NO. 1070/15 OF
PAYANGADI DATED 18/11/15.**

**ANNEXURE B - TRUE COPY OF ORDER IN C.M.P 7996/15 IN CRIME NO. 1070/15
DATED 20/11/15.**

RESPONDENT(S)' ANNEXURES :- NIL

//TRUE COPY//

P.A. TO JUDGE

rkj

P.UBAID, J.

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Crl.M.C.No.7398 of 2015

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Dated this the 26th day of November, 2015

ORDER

The petitioner herein is the sole accused in Crime No.1070 of 2015 of the Payangadi Police Station in Kannur District, registered under Section 393 IPC. She was granted bail by the learned Judicial First Class Magistrate Court, Payyannur on certain conditions on 18.11.2015. The petitioner is aggrieved by the conditions imposed by the learned Magistrate, and so she seeks orders lifting or modifying the objectionable conditions. One condition is that one of the sureties shall be a close relative of the accused. The other is that the sureties shall produce the original title document along with certified copy, and the third objectionable condition is that the accused and the sureties shall produce proof of identity. This application is opposed by the learned Public

Prosecutor on the ground that if such conditions are not imposed, there is the possibility of the accused absconding from legal process.

2. On hearing both sides, and on a perusal of the impugned order, I find that some slight modifications can be made in the conditions imposed by the learned Magistrate. The condition that the accused and sureties shall produce proof of identity cannot be lifted or modified. But, as regards the other conditions, I am inclined to make some modifications.

In the result, this Crl.M.C. is disposed of as follows, making slight modification in the conditions imposed by the court below:

a) That one of the sureties shall be a close relative of the accused, will stand modified to the effect that any surety acceptable to the Court can execute bond as directed, provided the Court must be satisfied, that though not a relative, the surety can produce the accused before the Court as and when required.

b) As regards production of original title deed, the condition will stand modified to the effect that along with the

original title deed, the sureties can produce a photostat copy of the title deed which the Court can compare with the original, make an endorsement to that effect, accept the compared copy, and return the original.

Sd/-
P.UBAID
JUDGE

rkj

//TRUE COPY//

P.A. TO JUDGE