

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

THURSDAY, THE 10TH DAY OF DECEMBER 2015/19TH AGRAHAYANA,
1937

Cr1.MC.No. 7428 of 2015

AGAINST THE ORDER IN C.M.P 3044/2015 OF THE JUDICIAL
FIRST CLASS MAGISTRATE COURT, THALASSERY

CRIME NO. 968/2013 OF CHOKLI POLICE STATION, KANNUR

PETITIONER/ACCUSED NO.2:

MUNEER, AGED 31 YEARS,
S/O.MAMMU, PUHITYAPURAYIL, ADICHERI,
MALAPPATTAM,
KANNUR DISTRICT.

BY ADV. SRI.K.DILIP

RESPONDENT/STATE/COMPLAINANT:

STATE OF KERALA,
REPRESENTED BY THE SUB INSPECTOR OF POLICE,
CHOKLI,
KANNUR DISTRICT
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM, PIN-682 031.

BY PUBLIC PROSECUTOR SRI.JUSTIN JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR
ADMISSION ON 10-12-2015, THE COURT ON THE SAME DAY
PASSED THE FOLLOWING:

Cr1.MC.No. 7428 of 2015

APPENDIX

PETITIONER'S ANNEXURES:

ANNEXURE-1. COPY OF THE ORDER IN CMP NO.2857/2015 IN CP
96/2015 DATED 12/10/2015.

ANNEXURE-II. COPY OF THE ORDER IN CMP NO.3044/2015 IN CP
96/2015 DATED 4/11/2015.

RESPONDENT'S ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.7428 of 2015

Dated this the 10th day of December, 2015

O R D E R

The petitioner herein is the second accused in Crime No.968/2013 of the Chokli Police Station. The case against him is now pending before the Judicial First Class Magistrate Court, Thalassery as C.P No.96/2015. During investigation he was granted bail, but later he went abroad, and so he could not make appearance in the committal proceedings. In such a situation the case as against him happened to be transferred to the register of long pending cases. Later he surrendered, and the case was refiled as C.P No.96/2015. He was granted bail afresh by the learned Magistrate on 12.10.2015 on condition that he shall surrender his passport. The said condition is sought to be quashed under Section 439(1)(b) of the Code of Criminal Procedure.

2. On hearing both sides, and on a perusal of the materials I find that the objectionable condition can be lifted, on a further condition that the petitioner shall make security deposit of ₹20,000/- in the court below. If the case stands

committed to the Court of Session, deposit shall be made by the petitioner before the trial court. In the facts and circumstances of the case I feel it appropriate to lift the condition imposed by the court below.

In the result, the petition is allowed. The condition imposed by the court below, that the petitioner shall surrender his passport will stand lifted on a further condition that the petitioner shall make a security deposit of ₹20,000/- in the court below. In case of failure to appear before the trial court without excuse, the amount of security deposit will stand forfeited. If the case stands committed to the Court of Session, deposit shall be made in the trial court.

**Sd/-
P.UBAID
JUDGE**

//True Copy//

P.A to Judge

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