

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 23RD DAY OF DECEMBER 2015/2ND POUSHA, 1937

Cr1.MC.No. 8031 of 2015

AGAINST THE ORDER DATED 31.3.2014 IN CRL.M.P NO.876/2014
OF THE SESSIONS COURT, PATHANAMTHITTA

CRIME NO. 417/2014 OF THIRUVALLA POLICE STATION,
PATHANAMTITTA

PETITIONER/ACCUSED:

HAFIJAR RAHMAN, AGED 23 YEARS,
S/O.SUBAHANA M.D, PRADHANPARA, CHAPAGURI,
MADARIHAT, JALPAIGURI, WEST BENGAL
PIN 735213

BY ADVS.SRI.K.SHAJ
SRI.SAJJU.S

RESPONDENTS:

1. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM 682031

2. SUB INSPECTOR OF POLICE,
THIRUVALLA POLICE STATION,
THIRUVALLA 689641

R1 & R2 BY PUBLIC PROSECUTOR SMT.SHEEBA M.T

THIS CRIMINAL MISC. CASE HAVING COME UP FOR
ADMISSION ON 23-12-2015, THE COURT ON THE SAME DAY
PASSED THE FOLLOWING:

Cr1.MC.No. 8031 of 2015

APPENDIX

PETITIONER'S ANNEXURES:

ANNEXURE A1: COPY OF THE ORDER DATED 31.03.2014 IN
CRL.MP.NO.876/2014 IN CRIME NO.417/2014 OF THIRUVALLA
POLICE STATION

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.8031 of 2015

Dated this the 23rd day of December, 2015

O R D E R

The petitioner herein is the sole accused in Crime No.417/2014 of the Thiruvalla Police Station, registered under Sections 8 and 12 of the Protection of Children from Sexual Offences Act. He was granted bail on 31.3.2014 by the learned Sessions Judge, Pathanamthitta as per the order in Crl.M.P No.876/2014 on certain conditions. He was directed to execute a bond for ₹3 lakhs with two solvent sureties. As a condition, the learned Sessions Judge ordered that the sureties shall be the permanent residents of Pathanamthitta District, and that the sureties shall produce their original title deeds. The petitioner is aggrieved by these conditions. It is submitted that the petitioner is still in judicial custody.

2. On hearing both sides, and on a perusal of the impugned order I find that the objectionable condition requires modification in the interest of justice. The petitioner has been in judicial custody from the date of arrest, and inspite of the orders granting bail he is not a position to execute bond. Now we are at

the end of December, 2015. The objectionable condition can be appropriately modified in the present circumstances.

In the result, this Crl.M.C is allowed. The objectionable condition imposed by the court below as part of condition No.1 will stand modified as follows:

a) Any resident of Kerala, be a relative or not, can be accepted by the court, if that surety is solvent to the extent of ₹3 lakhs fixed by the court.

b) The sureties shall produce their original title deeds for perusal by the court, along with a certified copy. The court can peruse the originals, return it to the sureties and keep the certified copy as part of records.

Sd/-
P.UBAID
JUDGE

//True Copy//

P.A to Judge

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