IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE C.S.DIAS

THURSDAY, THE 25TH DAY OF JULY 2024 / 3RD SRAVANA, 1946

CRL.MC NO. 5196 OF 2024

CRIME NO.205/2023 OF Town East Police Station, Thrissur

ORDER/JUDGMENT DATED 22.05.2024 IN CRMP NO.5201 OF 2024 OF CHIEF JUDICIAL MAGISTRATE, THRISSUR

PETITIONER/ACCUSED No.4 :-

JOSE THOMAS, AGED 40 YEARS
S/O V.M.THOMAS FLAT NO.1, 29/401/1,
DAMODAR APARTMENT, KUNNATHU LANE,
NEAR THIRUVAMBADY TEMPLE MOONUKKUTY,
THRISSUR, PIN - 680 001

BY ADVS.
C.S.MANU
DILU JOSEPH
C.A.ANUPAMAN
T.B.SIVAPRASAD
C.Y.VIJAY KUMAR
MANJU E.R.
ANANDHU SATHEESH
ALINT JOSEPH
PAUL JOSE
DAINY DAVIS

RESPONDENT/COMPLAINANT :-

STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, PIN - 682 031

BY SMT.NEEMA T.V., SR.PP

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 25.07.2024, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

O R D E R

Dated this the 25th day of July, 2024

The petition is filed to quash Annexure A9 order passed by the court of the Chief Judicial Magistrate, Thrissur and set aside the condition No.(v) in Annexure A2 order, and permit the petitioner to leave the territorial jurisdiction of the Court of Session, Thrissur.

2. The petitioner has stated in the petition that, by Annexure A2 order dated 27.03.2024, this Court had enlarged the petitioner on bail, subject to eight conditions. As per condition No.(v), the petitioner was directed not to leave the territorial jurisdiction of the Court of Session, Thrissur without the previous permission of the jurisdictional court. By condition No.(vii), this court permitted the petitioner to move the jurisdictional court for modification of the conditions in the order. Since, the petitioner is running a financial consultancy business in Ernakulam and the order was passed on 27.03.2024, the petitioner moved the jurisdictional court to modify

condition No.(v). But, by Annexure A9 order, the jurisdictional court dismissed the petitioner's application in view of the opposition that was raised by the Investigating Officer. The petitioner has scrupulously complied with the conditions in Annexure A2 order for the last four months. The investigation in the case is practically complete and recovery has been effected. Due to condition No.(v), the petitioner is put to severe hardship. Hence, the condition may be lifted.

3. Heard; Sri.C.S. Manu, the learned counsel for the petitioner and Smt.Neema T.V., the learned Senior Public Prosecutor.

4. By Annexure A2 order dated 27.03.2024, this Court had enlarged the petitioner on bail, subject to eight conditions, to ensure that the investigation is complete and the petitioner does not tamper with the evidence. Indisputably, the order has been in force from 27.03.2024 and the petitioner has been complying with the conditions.

5. Taking into consideration the reasons stated in the application, and that the petitioner has, till date, complied with the order, I am of the view that condition No.(v) can be deleted since the investigation in the case is practically complete.

In the result, the petition is allowed in the following lines :-

(1) Annexure A9 order is set aside.

(2) Annexure A8 application is allowed. Consequentially, condition No.(v) in Annexure A2 order is lifted. The petitioner shall comply with the other conditions in Annexure A2 order until further orders.

Sd/-
C.S. DIAS, JUDGE

Jvt/27.7.2024

APPENDIX OF CRL.MC 5196/2024

PETITIONER ANNEXURES :-

Annexure A1	**TRUE COPY OF THE FIR IN CRIME NO. 205 OF 2023 OF THRISSUR TOWN EAST POLICE STATION, THRISSUR CITY**
Annexure A2	**A TRUE COPY OF THE BAIL ORDER DATED 27-03-2024 IN BA. NO.2235 OF 2024**
Annexure A3	**A TRUE COPY OF THE GST REGISTRATION CERTIFICATE BEARING NUMBER 32ALQPJ8462N3ZD OF THE PETITIONER**
Annexure A4	**A TRUE COPY OF THE CERTIFICATE DATED 03-05-2024 ISSUED BY THE ICICI BANK SHOWING THE CURRENT ACCOUNT WITH THE ICICI BANK KADAVANTHARA BRANCH**
Annexure A5	**A TRUE COPY OF THE CERTIFICATE DATED 26-04-2024 ISSUED BY THE M/S AJNORAH GLOBAL VENTURES EDAPALLY SHOWING THE NEED OF THE SUPPORT OF THE PETITIONER FOR THEIR BUSINESS**
Annexure A6	**A TRUE COPY OF THE LETTER DATED 29-04-2024 ISSUED BY THE M/S ANCHUVILA CASHEWS TO THE PETITIONER**
Annexure A7	**A TRUE COPY OF THE CERTIFICATE OF IMPORTER-EXPORTER CODE ISSUED BY THE GOVERNMENT OF INDIA**
Annexure A8	**A TRUE COPY OF THE CRL.MP.NO.5201 OF 2024 FILED BY THE PETITIONER BEFORE THE CHIEF JUDICIAL MAGISTRATE'S COURT THRISSUR**
Annexure A9	**CERTIFIED COPY OF THE SAID ORDER DATED 22-05-2024 IN CRL.MP No.5201 OF 2024 PASSED BY THE CHIEF JUDICIAL MAGISTRATE'S COURT, THRISSUR.**