



2025:KER:30483

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE V.G.ARUN

TUESDAY, THE 8TH DAY OF APRIL 2025 / 18TH CHAITHRA, 1947

CRL.MC NO. 3023 OF 2025

CRIME NO.512/2015 OF Kollam East Police Station, Kollam

IN CC NO.129 OF 2015 OF CHIEF JUDICIAL MAGISTRATE ,KOLLAM

PETITIONER/ACCUSED:

AKASH R MURALI,
AGED 29 YEARS
S/O RATHEESH MURALI, RAJAPUSHPAM HOUSE, NEAR ARAKKAL
TEMPLE, CHAVARA P.O., KOLLAM,, PIN - 691583

BY ADVS.
K.R.VINOD
M.S.LETHA
ATHIRA K.S.
NAYANA K. SHENOY

RESPONDENTS/COMPLAINANT:

- 1 STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
PIN - 682031
- 2 THE REGIONAL PASSPORT OFFICER,
SNSM BUILDING, PETTA, KARALKADA JUNCTION, P.O.
KAITHAMUKKU, THIRUVANATHAPURAM (IS IMPEADED AS
ADDITIONAL RESPONDENT NO.2 VIDE ORDER DATED 8.4.2025 IN
CRL MA 1/25 IN CRL MC 3023/2025)
- 3 CONSULATE OF THE INDIA IN BAHRAIN
P.O NO. 26106, BUILDING NO. 1090, ROAD 2819, BLOCK 428,
AL-SEEF MANAMA, BAHRAIN (IS SUO MOTO IMPEADED AS



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ADDITIONAL RESPONDENT NO.3 VIDE ORDER DATED 8.4.2025 IN
CRL MC 3023/2025)

PP M.C.ASHI ; DSGI IN CHARGE C.DINESH

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
08.04.2025, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**ORDER**(Dated this the 8th day of April, 2025)

The petitioner is the accused in C.C.No.129/2015 pending on the files of the Chief Judicial Magistrate Court, Kollam. The case originated from Crime No.512/2015 registered at the Kollam East Police Station for offences punishable under Sections 353 and 323 of the Indian Penal Code and Section 3(2)(e) of the Prevention of Damage to Public Property Act, 1984.

2. The petitioner participated in the trial of the case, but at the stage of Section 313 examination, he was compelled to go abroad for taking up employment. As a result, non-bailable warrant is issued against the petitioner and the case is included in the long-pending register. In the meanwhile, the petitioner's passport expired on 09.03.2025. The applications seeking recall of the warrant and permission for re-validation of the passport, were dismissed by the learned Magistrate as per Annexures-A4 and A3 orders.

3. The learned counsel for the petitioner submits that his client is in a predicament as he is not able to travel down from Bahrain to India for the purpose of surrendering in court. It is submitted that if an emergency certificate, as provided under Section 4 of the Passports Act, 1967, is issued by the Consulate, the petitioner will be able to return to India and surrender in court.



4. The learned DSGI in charge appearing for the Regional Passport Officer, Thiruvananthapuram, submitted on instructions that, since the case against the petitioner is a long-pending matter, he can be issued with an emergency certificate, if appropriate application is submitted.

5. Heard the learned Public Prosecutor also.

6. In the nature of the order I propose to pass, the Consulate of India in Bahrain, P.O.Box No.26106, Building No.1090, Road 2819, Block 428, Al Seef, Manama, Bahrain is suo moto impleaded as additional respondent.

Considering the predicament faced by the petitioner, the Crl.M.C is disposed of as under:

a) The petitioner is permitted to submit an application for issuance of an emergency certificate under Section 4(2)(a) of the Passports Act.

b) If such an application is filed, the competent officer in the Indian Consulate at Bahrain shall pass appropriate orders immediately.

c) Immediately upon obtaining the emergency certificate, the petitioner shall travel to India and surrender before the jurisdictional court.

d) If the petitioner surrenders and moves an application for bail, orders on the bail application shall be passed on the day of



surrender itself.

e) In order to provide an opportunity for the petitioner to surrender and move the application, the non-bailable warrant pending against him shall be kept in abeyance for one month.

Sd/-

V.G.ARUN
JUDGE

ADS



APPENDIX OF CRL.MC 3023/2025

PETITIONER ANNEXURES

ANNEXURE A1	TRUE COPY OF THE FINAL REPORT IN C.C. NO.129/2015.
ANNEXURE A2	TRUE COPY OF THE PASSPORT OF THE PETITIONER BEARING NO. M6975903.
ANNEXURE A3	TRUE COPY OF THE ORDER IN C.M.P. NO. 2149/2025 IN L.P. NO. 20/2022.
ANNEXURE A4	TRUE COPY OF THE ORDER IN C.M.P. NO. 2150/2025 IN L.P. NO. 20/2022 DATED 12.03.2025.