

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE ASHOK MENON

FRIDAY, THE 08TH DAY OF MAY 2020 / 18TH VAISAKHA, 1942

CRL.MC No.2453 OF 2020

(AGAINST THE ORDER DATED 12.03.2020 IN CRL. M.C. NO. 351/2020 OF THE COURT OF SESSIONS, KOZHIKODE IN CRIME NO.676/2019 OF THE PAYYOLI POLICE STATION, KOZHIKODE)

PETITIONERS/PETITIONERS/ACCUSED NOS.2 & 3:

1. SULFATH.K.K,
42 YEARS, W/O.RIYAS BABU,
PARAKKANDY HOUSE, MAKKADA (P.O),
CHERUKULAM, KOZHIKODE TALUK,
KOZHIKODE (DIST) - 673 611.
2. BUSHRABI.P.V,
44 YEARS, W/O.MUKTHAR,
PUTHAN VEETIL HOUSE, NADUVA (P.O),
PARAPPANANGADI,
MALAPPURAM (DIST) - 676 303.

BY ADV. K. DEEPA (PAYYANUR)

RESPONDENTS/ RESPONDENTS/COMPLAINANT:

1. STATE OF KERALA REP. BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 31.
2. THE STATION HOUSE OFFICER,
PAYYOLI POLICE STATION, KANNUR (DIST).

BY SRI.AMJAD ALI, PP

THIS CRIMINAL MC HAVING COME UP FOR ADMISSION ON
08.05.2020, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ASHOK MENON, J.

CrI.MC No.2453 of 2020

Dated this the 8th day of May, 2020

O R D E R

Petitioners are accused Nos.2 & 3 in Crime No.676/2019 of Payyoli Police Station for having allegedly committed offences punishable under sections 498A, 420 and 406 read with Section 34 IPC on the basis of the complaint made by the defacto complainant, who is the wife of the first accused. The first petitioner is the sister-in-law of the defacto complainant and the second petitioner is alleged to be the second wife of the first accused. They were granted bail by the trial court, but on conditions. The petitioners are aggrieved by condition Nos.4 & 5. Condition No.4 directs the petitioners to appear before the investigating officer on alternate Saturdays, while condition No.5 directs them to surrender their

passport.

2. Heard the learned Public Prosecutor and the learned counsel for the petitioners.

3. I have find that the petitioners are ladies and there is no possibility of their committing any breach of the bail conditions. Directing them to appear on every alternate Saturday, may be cumbersome, particularly in view of the fact that there is lock down in the State and the country. Therefore, the condition directing the petitioners to appear before the investigating officer on all alternate Saturdays is hereby lifted and it is directed that the petitioners shall appear before the investigating officer, as and when called for.

4. As regards condition No.5 directing them to surrender their passports, I find that there is no reason to interfere because, at present they may not be able to travel abroad.

5. It is submitted that the third accused is employed abroad and surrendering of her passport may

cause inconvenience to her. Any way, the third accused/second petitioner may not be think to travel under the present condition of lock down and there are no flights available. As and when situation improves, and the second petitioner finds it essential to appear for her employment abroad, she can again approach the trial court for re-consideration of the condition regarding the surrendering of the passport and get it released.

with these observations, the crl.MC is disposed of.

ASHOK MENON

JUDGE

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APPENDIX

PETITIONER'S EXHIBITS

ANNEXURE-I: TRUE COPY OF THE FIR OF CRIME NO.676/2019 OF THE PAYYOLI POLICE STATION, KOZHIKODE.

ANNEXURE-II: TRUE COPY OF THE ORDER DATED 12.03.2020 IN CRL. M.C. NO. 351/2020 OF THE COURT OF SESSIONS, KOZHIKODE IN CRIME NO.676/2019 OF THE PAYYOLI POLICE STATION; KOZHIKODE.