

**IN THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE-II,  
PARAVUR**

**Present:- Smt. Chithralekha N. S.  
Judicial Magistrate of the First Class**

**Dated this the Friday, the 12<sup>th</sup> day of September, 2025**

**CMP. 1283/2025 IN CC 259/2023**

- Petitioner /CW1 : Kavitha, Aged 40, D/o. Vijayamma,  
Kalluvila Veedu, Near Kalluvila Moorthikkavu,  
Kottuvathukkal, Thazham North, Meenadu Village.  
(By Adv. P Rajani)
- Counter petitioner/  
Accused : Deepukumar, Aged 43, S/o. Janardhananpilla,  
Thekkemudakkalam Veedu, Kottappuram,  
Kottappuram Village.  
(By Adv. V Deepesh)
- Order : CMP is dismissed.

**ORDER**

1. The petition stands filed u/s. 437(5) of Cr. PC by the victim in the case CC 259/2023 in the file of this court seeking the cancellation of the bail granted to the accused.

2. The averments in brief of the petitioner is that:- The accused on 12.06.2025 by himself and through a relative has contacted her over phone and threatened her that if the case is not withdrawn he would kill her and no cash will be paid to her. There are chances for him to leave for Gulf country and she would have no choice to get the cash back from him. She received multiple threat calls to alarm her. Hence the bail bond of the accused be cancelled and he be directed to surrender his passport.

3. Heard the learned counsel for the petitioner and the accused.

Perused the relevant documents.

4. The learned counsel for the respondent would submit that he had already been employed in Gulf country for the several years. The allegations raised against him are general in nature. The petition itself is lodged to see to it that the petitioner would not pursue his travel abroad. He has filed an objection denying all contentions of the petitioner.

5. The case of the prosecution is that :- The accused had promised to marry the petitioner who decided to convene the marriage ceremony on 20.08.2015. As the petitioner was preparing for the wedding the accused borrowed Rs. 50,000/- from her. The accused later broke his promise and refused to marry her. He failed to repay the amount.

6. The accused appeared before court and he was enlarged on bail on 05.06.2025 upon executing a bond of Rs. 50,000/-. As charge sheet is filed no additional term of bail was stipulated by said order. On perusal of the petition of CW1, though there is specific allegation of threat over phone to settle the matter out of court, the phone number from which the calls were received by her are not described in the petition. Though she allegedly received multiple calls none of the phone numbers or recordings are put for evaluation of court. So far the allegations are concerned they are stray statements and no cogent material exists before court. Also the material are insufficient to resort to the extreme step of curtailing the personal liberty of the accused by cancelling the bail granted to him who has been attending the court regularly and no violation of the bail condition as per order in 05.06.2025 is made so far. Moreover the surrender of the passport as a condition in addition to the order above is not warranted for the time being as the petitioner failed to establish the very ground of being threatened. Also the court cannot grant a blanket order in the petition to prevent the accused from leaving abroad by surrendering his

passport, when it is settled position of law that persons are eligible to pursue travel abroad with the permission of court against whom criminal cases are pending.

7. However the observation are limited to decision of the petitioner at hand. The above observation shall not be against the requirement of accused to approach this court to seek permission to go abroad at any time during the trial. The matters relevant could be proved upon taking evidence on behalf of both parties. Currently I find no reason to interfere with the order granting bail.

In the result, the petition stands dismissed.

*(Dictated by me, transcribed and typed by Confidential Assistant and corrected by me and pronounced in the open court, on this the 12<sup>th</sup> day of September, 2025)*

*Sd/-  
Judicial Magistrate of the First Class-II,  
Paravur*