

IN THE COURT OF SESSION, KOTTAYAM

Present : Sri.N. Harikumar, Sessions Judge

Monday, the 11th day of September, 2023
20th Bhadra, 1945

Criminal M.P. No.2288/2023 in Crl.M.P. No. 1734/2023
(Crime No.770/2023 of Kaduthuruthy Police Station)

Petitioners :

1. Augustine T.P, aged 74 years,
S/o. T.O. Paul,
Thekkinedath House,
Thuravoor P.O.,
Angamaly, Aluva,
Ernakulam District.
2. Leelamma Augustine, aged 74 years,
W/o. Augustine T.P.,
Thekkinedath House,
Thuravoor P.O.,
Angamaly, Aluva,
Ernakulam District.

By Advocate Smt.Namita Philson

Respondents :

1. State of Kerala, rep. by the
Public Prosecutor, Kottayam.
2. Station House Officer,
Kaduthuruthy Police Station.

By Public Prosecutor Sri.Sunny George Chathukulam

Petition filed under Section 439(1)(b) of the Code of Criminal Procedure.

This Crl.M.P. having been finally heard on 07.09.2023 and the Court on 11.09.2023 passed the following :

ORDER

The above numbered petition is filed under Sec.439(1)(b) of the Code of Criminal Procedure for modifying the bail condition.

2. Petitioners are the accused Nos.2 and 3 in Crime No.770/2023 of Kaduthuruthy Police Station, who stands indicted alleging commission of offences punishable under Secs.498A, 323, 354 and 325 r/w.34 of the Indian Penal Code.

3. The petitioners were granted pre-arrest bail by this Court, vide the Order in Crl.M.P. No.1734/2023 dated 10.07.2023. The condition No.2 in the Order directs the petitioners to co-operate with the investigation and to appear before the Investigating Officer on every Saturday, between 10 a.m. and 12 noon, and on all such occasions as demanded

by the Investigating Officer in writing to do so, until the submission of the final report.

4. The petitioners approached this Court with the above numbered Crl.M.P. for modification of the said condition on the ground that, they being aged and suffering with health issues, it is practically difficult for them to travel a long distance every week to comply with the said condition. That, they have complied with the bail conditions without fail so far and hence, the same is to be modified.

5. Notice of the petition was given to the learned Public Prosecutor. No serious objection, whatsoever, has been raised by the learned Public Prosecutor in modifying the bail conditions.

6. Heard both sides.

7. Having considered the submissions coming from both sides, I am of the view that, the investigation being advanced to a considerable extent, the compliance of the said condition as such is not strictly necessary for the purpose of investigation. The reason stated by the petitioners for

modifying the said condition appears to be reasonable and hence, I am inclined to allow this petition by modifying the condition in the Order in Crl.M.P. No.1734/2023 as follows :-

The petitioners shall appear before the Investigating Officer on the last Saturday of every month between 10 a.m. and 12 noon, until the submission of the final report.

Dictated to the Confdl. Asst., transcribed and typed by her, corrected by me and pronounced in open Court, on this the 11th day of September, 2023.

Sd/-
N. Harikumar,
Sessions Judge.

Copied by :

Compared by :

**Copy of Order in
Crl. M.P. No.2288/2023 in
Crl.M.P. No. 1734/2023
Dated : 11.09.2023**