

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE G.GIRISH

THURSDAY, THE 10TH DAY OF APRIL 2025 / 20TH CHAITHRA, 1947

CRL.MC NO. 8105 OF 2019

CRIME NO.345/2016 OF PERUMPADAPPU POLICE STATION, MALAPPURAM

ORDER DATED 02.11.2019 IN CMP NO.4562 OF 2019 OF
JUDICIAL MAGISTRATE OF FIRST CLASS -I, PONNANI

PETITIONER/RESPONDENT/ACCUSED:

KUNHIMOHAMMED @ KUNHIMON

AGED 62 YEARS

S/O. KUNHI BAPPU, PURADATH, AYIROOR P.O., PERUMPADAPPU,
MALAPPURAM DISTRICT.

BY ADVS.

S.RAJEEV

SRI.K.K.DHEERENDRAKRISHNAN

SRI.V.VINAY

SRI.D.FEROZE

SRI.K.ANAND (A-1921)

RESPONDENT/PETITIONER/STATE:

STATE OF KERALA

REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM-682 031 (CRIME NO.345/2016 OF PERUMPADAPPU
POLICE STATION, MALAPPURAM DISTRICT.)

SMT SEETHA S, SR PUBLIC PROSECUTOR

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
10.04.2025, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:



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ORDER

The order dated 2.11.2019 of the Judicial First Class Magistrate Court, Ponnani, cancelling the bail of the petitioner, is under challenge in this petition filed under Section 482 Cr.P.C.

2. The petitioner faces prosecution for the commission of offences under Sections 419, 468, 420, 465 and 471 IPC read with Section 34 IPC, in Crime No.345/2016 of Perumpadappu Police Station. The Final Report in the said case had been filed by the Investigating Officer, and the case is now pending before the learned Magistrate as CC No.24/2020.

3. While allowing the Bail Application filed by the petitioner before this Court as B.A No.844/2017, this Court directed in the order dated 24.03.2017, that the petitioner has to surrender his passport before the learned Magistrate within 5 days of his release. The bail granted to the petitioner was cancelled for the reason that the petitioner did not surrender his passport in compliance with the aforesaid condition.

4. In the present petition, the petitioner would contend that his failure to surrender passport before the Trial Court, was not deliberate. According to the petitioner, a communication gap with the counsel, who



moved the Bail Application for him before this Court, was the reason why he could not comply with the aforesaid condition imposed by this Court.

5. Heard the learned counsel for the petitioner and the learned Public Prosecutor representing the State of Kerala.

6. The learned counsel for the petitioner submitted that the petitioner is ready to surrender before the Trial Court, and to submit his passport in compliance with the bail condition imposed by this Court, on any day as suggested by this Court. It is further submitted that the petitioner is ready to cooperate with the trial, and that he will appear before the Trial Court on all occasions when his presence is required.

7. Having regard to the aforesaid submission of the learned counsel for the petitioner, and also the facts and circumstances of the case, I deem it appropriate to dispose of this petition with the following directions.

i) The petitioner shall surrender before the Judicial First Class Magistrate Court, Ponnani, within a period of 30 days from today and surrender his passport before the said court.

ii) If the petitioner moves a Bail Application at the time of such surrender, the learned Magistrate shall allow the same, subject to appropriate conditions.



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iii) The Non Bailable Warrant issued against the petitioner shall be kept in abeyance for a period of 30 days from today.

Sd/-

**G.GIRISH
JUDGE**

IAP



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APPENDIX OF CRL.MC 8105/2019

PETITIONER'S ANNEXURES:

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| ANNEXURE I | TRUE COPY OF THE ORDER DATED 24.3.2017 IN BA NO.844/2017 OF THIS HON'BLE COURT. |
| ANNEXURE II | TRUE COPY OF THE PASSPORT ISSUED IN THE NAME OF THE PETITIONER. |
| ANNEXURE III | TRUE COPY OF THE PETITION SUBMITTED BY THE INVESTIGATING OFFICER ON 16.9.2019 BEFORE COURT BELOW. |
| ANNEXURE IV | CERTIFIED COPY OF THE ORDER DATED 2.11.2019, IN CMP NO.4562/2019 IN PERUMPADAPPU CRIME NO.345/2016, PASSED BY THE JUDICIAL MAGISTRATE OF FIRST CLASS, PONNANI. |