

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI**

**FRIDAY, THE 27TH DAY OF DECEMBER 2013/6TH POUSHA, 1935**

**Crl.MC.No. 6597 of 2013 ()**

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**CMP. NO.9466/2013 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-I, ATTINGAL**  
**CRIME NO. 862/2013 OF ATTINGAL POLICE STATION.**  
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**PETITIONER/1ST ACCUSED:**  
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**ANES, S/O.ABDUL GAFFAR,**  
**AGED 30 YEARS, ARAFA MANZIL,**  
**KADAKKAL, KOLLAM DISTRICT.**

**BY SRI.K.JAJU BABU, SENIOR ADVOCATE.**  
**ADV. SRI.BRIJESH MOHAN.**

**RESPONDENTS/STATE & COMPLAINANT:**  
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- 1. STATE OF KERALA,**  
**REPRESENTED BY PUBLIC PROSECUTOR,**  
**HIGH COURT OF KERALA, ERNAKULAM-31.**
- 2. THE SUB INSPECTOR OF POLICE,**  
**ATTINGAL POLICE STATION,**  
**THIRUVANANTHAPURAM-695 101.**

**BY PUBLIC PROSECUTOR MR.P.S. SAJEEV.**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION**  
**ON 27-12-2013, THE COURT ON THE SAME DAY PASSED THE**  
**FOLLOWING:**

**rs.**

**Crl.MC.No. 6597 of 2013**

**APPENDIX**

**PETITIONER'S ANNEXURES:-**

**ANNEXURE A1      COPY OF THE ORDER DATED 16/12/2013 OF THE  
JUDICIAL FIRST CLASS MAGISTRATE COURT-I,  
ATTINGAL IN CMP NO.9466/2013.**

**RESPONDENT'S ANNEXURES:-                      NIL.**

**//TRUE COPY//**

**P.A TO JUDGE**

**rs.**

**A.V.RAMAKRISHNA PILLAI, J.**

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Crl.M.C.No.6597 of 2013  
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Dated this the 27<sup>th</sup> day of December, 2013

**O R D E R**

The petitioner is the accused in Crime No.862 of 2013 of Attingal Police Station on the file of the Judicial First Class Magistrate Court-1, Attingal. The crime has been registered alleging offences punishable under Section 420 read with Section 34 of the Indian Penal Code.

2. On 16.12.2013, the learned Magistrate granted bail to the petitioner subject to certain conditions. One of the condition is that the petitioner shall surrender the passport before the court. There was yet another condition that the petitioner shall appear before the investigating officer on all Saturdays between 10 am. and 12 noon until further orders.

3. The learned counsel for the petitioner would submit that no offence of cheating is involved and the matter relates to a contractual obligation. The petitioner alleges that he will have to leave for China within a week to fulfil certain other contractual undertaking by him. Therefore, he prays for a lifting of 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> conditions.

4. The learned counsel for the petitioner submitted that

lifting of the aforesaid conditions can be limited for a period of four weeks so that the petitioner shall be able to perform his contractual obligations.

5. In the light of the entire facts and circumstances of the case, the petition is disposed of lifting condition Nos.2, 3 and 4 in Annexure-A1 bail order for a period of four weeks from today. The passport already surrendered shall be released to the petitioner forthwith. After the expiry of the aforesaid period, the petitioner shall appear before the learned Magistrate and surrender the passport. Thereafter he shall be bound by the condition in the bail order.

**A.V.RAMAKRISHNA PILLAI**  
**JUDGE**

mns/