

E.Dhanesh Vs. State of Kerala

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Court : Kerala

Decided On : Jan-08-2013

Judge : Honourable Mr.Justice T.R.Ramachandran Nair

Appellant : E.Dhanesh

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE T.R.RAMACHANDRAN NAIR TUESDAY, THE 8TH DAY OF JANUARY 2013 18TH POUSHA 193 CrI.MC.No. 92 of 2013 () ----- CMP.6065/2012 of JUDICIAL FIRST CLASS MAGISTRATE COURT, PAYYANNUR .. (CRIME NO.1183/2012 OF PAYYANNUR POLICE STATION, KANNUR) PETITIONER(S):1ST ACCUSED: ----- E.DHANESH,AGED 2 YEARS, S/O.KUNHAMMED, ITTAMMAL THARAVAD, MADAYI AMSOM, PAYANGAD. BY ADV. SMT.K.DEEPA (PAYYANNUR) RESPONDENTS: ----- 1. STATE OF KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

2. THE CIRCLE INSPECTOR OF POLICE, PAYYANNUR POLICE STATION, PAYYANNUR-670 307. R1 & R2 BY PUBLIC PROSECUTOR SMT. V.H.JASMINE THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 08-01-2013 ALONG WITH CRMC. NO.93/2013, THE COURT ON THE SAME DAY

PASSED THE FOLLOWING: Kss CRMC.NO.92/2013 APPENDIX PETITIONER'S ANNEXURES: ANNEX.1: COPY OF THE ORDER DTD. 4/12/2012 IN CMP.NO.6065/2012 IN CRIME NO.1183/2012 OF THE JUDICIAL FIRST CLASS MAGISTRATE'S COURT, PAYYANNUR. RESPONDENT'S ANNEXURES: N I L /TRUE COPY/ P.A.TO JUDGE Kss T.R. RAMACHANDRAN NAIR, J.

----- Crl. M.C. Nos.92 & 93 OF
201.----- Dated this the 8th day of January, 2013.

ORDER

In both the cases, the same accused has filed the Crl.M.Cs seeking for deletion of the condition to deposit Rs.10,000/-, fixed by the Judicial First Class Magistrate Court, Payyannur, as a condition for grant of bail. In Crl.M.C.No.92/2013, seven conditions have been fixed and the condition No.2 is that the petitioner shall deposit Rs.10,000/-before the court. Similar order has been passed in Crl.M.C.No.93/2013 also.

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

3. The case pleaded by the petitioner is that he is a coolie by profession and he is unable to comply with the condition to deposit Rs.10,000/- each namely, Rs.20,000/-. It is submitted that he has already completed 125 days after his arrest, in custody. Learned Public Prosecutor submitted that the deletion of the condition sought for is not justified. Crl.M.C.Nos.92 & 93/2013 2 Having regard to various aspects pointed out in the Crl.M.Cs and after considering the argument of the learned counsel for the petitioner that the petitioner is unable to comply with the condition as he is in a pathetic financial condition and not in a position to deposit the amount, the cash security of Rs.10,000/- in both the cases is reduced to Rs.2,500/- each and the condition in Annexure I order in both the cases is modified to that extent. The Crl. M.Cs are allowed to the above extent. T.R. RAMACHANDRAN NAIR JUDGE smp