

Ismail vs State of Kerala

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Court : Kerala Orders

Decided On : Feb-13-2023

Judge : Honourable Mr.Justice K. Babu

Appeal No. : Crl.MC/189/2023

Appellant : Ismail

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE K. BABU MONDAY, THE 13TH DAY OF FEBRUARY 2023 / 24TH MAGHA, 1944 CRL.MC NO. 189 OF 2023 CRIME NO.603/2022 OF Nadapuram Police Station, Kozhikode PETITIONER/ACCUSED: XXX XXX XXXX BY ADVS. SRI.K.K.DHEERENDRAKRISHNAN SRI.N.P.ASHA SRI.M.P.PRIYESHKUMAR RESPONDENTS/STATE/VICTIM: 1 STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, PIN - 682031 2 XXX XXX XXXX BY ADV. SRI.G.SUDHEER, PP THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 13.02.2023, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

----- Dated this the
13rd day of February, 2023

ORDER

The petitioner has prayed for quashing the proceedings in Crime No.603/2022 of Nadapuram Police Station, Kozhikode, in this Crl.M.C. On 11.01.2023, this Court passed the following

order:-

The petitioner is the accused in Crime No.603 of 2022 of Nadapuram Police Station. The offences alleged against the petitioner are punishable under Sections 354, 354A(1)(i) of IPC and Sections 9(l) and 9(n) r/w 10 of the POCSO Act. This Crl.M.C. has been filed to quash Annexure -I FIR.

2. Sri.K.K.Dheerendrakrishnan, the learned counsel

for the petitioner submitted that the petitioner is now at abroad and he is not in a position to file pre-arrest bail application. The counsel further submitted that the petitioner will come down to India within two weeks. The limited prayer of the petitioner is not to initiate any coercive steps against him till he moves an application for pre-arrest bail.

3. Having heard the learned counsel for the

petitioner, the learned Public Prosecutor and also having gone through the entire records, I am of the view that there shall be a direction to the Investigating Officer in Crime No.603 of 2022 of Nadapuram Police Station not to initiate any coercive steps against the petitioner for a period of one month. Ordered accordingly.

2. The learned counsel for the petitioner submitted that

the petitioner preferred an application seeking anticipatory bail. Therefore, the Crl.M.C. has become infructuous. The Crl.M.C. is closed as infructuous. Sd/- K.BABU JUDGE VPK APPENDIX OF CRL.MC 189 of 2023 PETITIONER ANNEXURES Annexure-I CERTIFIED COPY OF FIR ALONG WITH FIS IN CRIME NO.603/2022 OF NADAPURAM POLICE STATION, KOZHIKODE DISTRICT Annexure-II A TRUE COPY OF THE MEDICAL CERTIFICATE ISSUED FROM THE JTS MEDICAL CENTRE, DUBAI DATED 04.01.2023

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