

Sunitha vs Station House Officer Pattambi Police Station

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Court : Kerala

Decided On : Jan-25-2022

Judge : Honourable Mr.Justice Ziyad Rahman a.a.

Appeal No. : Crl.MC/553/2022

Appellant : Sunitha

Respondent : Station House Officer Pattambi Police Station

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE ZIYAD RAHMAN A.A.
TUESDAY, THE 25TH DAY OF JANUARY 2022 / 5TH MAGHA, 1943
CRIME NO.640/2021 OF Pattambi Police Station, Palakkad
PETITIONER: SUNITHA AGED 38 YEARS ALAMKOTTE PARAMBIL
PATTAMBI, PALAKKAD PALAKKAD, PIN - 679303 BY ADV L.RAJESH
NARAYAN RESPONDENT: 1 STATION HOUSE OFFICER, PATTAMBI
POLICE STATION PATTAMBI, PALAKKAD ERNAKULAM, PIN - 679303
2 STATE OF KERALA REP BY PUBLIC PROSECUTOR HIGH COURT
OF KERALA ERNAKULAM, PIN - 682020 BY ADV. SRI.HRITHWIK C.S.
- PUBLIC PROSECUTOR THIS CRIMINAL MISC. CASE HAVING
COME UP FOR ADMISSION ON 25.01.2022, THE COURT ON THE

SAME DAY PASSED THE FOLLOWING:

ORDER

The petitioner is implicated as 3rd accused in Crime Nos.640, 644, 650, 653, 656 and 604/2021 of Pattambi Police Station. The aforesaid cases were registered against her and the other accused for the offences punishable under Sections 406, 420 read with Section 34 of Indian Penal Code. The petitioner filed Crl.M.C. Nos.2873/2021,

anticipatory bail in the aforesaid cases. As per order dated 24.12.2021, the Sessions Court considered the aforesaid bail applications together and disposed of by a common order which is produced as Annexure 1. As per Annexure 1 order, the petitioner was granted bail subject to certain conditions. One of the conditions was to appear before the investigating officer on 31.12.2021 at 9 a.m.

2. However, the petitioner could not appear before the

investigating officer on that day as she was not well. In such circumstances she filed petitions seeking extension of time stipulated in the said order which resulted in Annexure 2 common order passed by the Sessions Court. The aforesaid order was passed on 18.01.2022 by which she was granted 3 more days time from the date of order to surrender before the investigating officer.

3. The learned counsel for the petitioner points out that, the

petitioner received the order of extension of time on 19.01.2022 and on the next day i.e. on 20.01.2022, she appeared before the investigating officer. However, according to the learned counsel for the petitioner, the investigating officer was on leave on the said date, and she was asked to appear on the next day. However, on the next day when she appeared the investigating officer refused to record the arrest of the petitioner on the ground that the time stipulated by the

court has already expired. This Crl.M.C. is submitted by the petitioner in such circumstances seeking to enlarge the time for surrendering before the investigating officer.

4. Heard Sri.Rajesh Narayan, learned counsel for the petitioner and Sri.Hrithwik, learned Public Prosecutor appearing for the State.

5. The learned counsel for the petitioner contends that, the

petitioner is ready and willing to surrender before the investigating officer at any point of time with any condition as imposed. On the other hand, learned Public Prosecutor opposed the said prayer by pointing out that, despite granting opportunities twice she failed to appear before the investigating officer. The learned Public Prosecutor also denies the claim of the petitioner to the effect that she appeared before the Police on 21.01.2022.

6. When the factual circumstances existing in this case is

examined, it can be seen that, after considering the merits of the contentions put forward by the petitioner, the Sessions Court has granted anticipatory bail to the petitioner. The only dispute is with regard to the non compliance of the condition of surrender within the time stipulated by the court. It is evident from the records that, the time originally granted was extended for 3 days. Of course, there is some dispute as to whether the petitioner appeared before the investigating officer as claimed by her in this petition. Even if it that be so, I am of the view that since the anticipatory bail was granted to the petitioner after elaborately considering the merits of the bail

application, a further opportunity can be granted to her. While arriving at this conclusion I have taken note of the alarming situation prevailing in the State on account of Covid 19 pandemic as well. In such circumstances, I am of the view that the time stipulated

by the Sessions Court in Annexur 2 order can be extended till 02.02.2022. In the result, this Crl.M.C. is allowed with a direction to the petitioner herein to surrender before the investigating officer on or before 02.02.2022 and to comply with all the other conditions imposed upon her as per the common order dated 24.12.2021 in

Crl.M.C. Nos.2873/2021, 2874/2021, 2875/2021, 2876/2021, Sd/- ZIYAD RAHMAN A.A. JUDGE SCS APPENDIX OF CRL.MC 553/2022 PETITIONER

ANNEXURES Annexure1 TRUE COPY OF THE COMMON ORDER DATED 24.12.2021 IN CRL.M.C NOS. 2873/21, SESSIONS COURT, PALAKKAD
Annexure2 TRUE COPY OF THE ORDER DATED 18.1.2022 IN CRL.M.P NO.44/02 IN CRL.M.C NOS. HONBLE SESSIONS COURT, PALAKKAD
Annexure3 TRUE COPY OF THE LIST OF CASES WITH

RESPECT TO WHICH ANTICIPATORY BAIL APPLICATIONS ARE PENDING BEFORE THE HONBLE SESSIONS COURT AND POSTED TO 1.2.2022

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