

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE A. BADHARUDEEN

Wednesday, the 3<sup>rd</sup> day of January 2024 / 13th Pousha, 1945

CRL.M.APPL.NO.1/2023 IN BAIL APPL. NO. 918 OF 2023

CRIME NO.14/2023 OF TOWN WEST POLICE STATION, THRISSUR

APPLICANT/PETITIONER/ACCUSED No.2:

ANU SAMUEL, AGED 49 YEARS, S/O SAMUEL. N., BETHEL HOUSE, NORTH MANKUZHY, THEKKEKARA PALLARIMANGALAM P.O, MAVELIKKARA TALUK, ALAPPUZHA DISTRICT, PIN- 690107

RESPONDENT/RESPONDENT/ STATE & COMPLAINANT:

STATE OF KERALA, REPRESENTED BY THE PUBLIC PROSECTOR, HIGH COURT OF KERALA, ERNAKULAM, PIN- 682031

Petition praying that in the circumstances stated therein the High Court be pleased to lift the condition no. 4 in the order and allow the petitioner to release his passport from the Chief Judicial Magistrate Court, Thrissur by allowing the petition, in the interest of justice.

This petition coming on for orders upon perusing the application and this Court's final order dated 09-03-2023 and upon hearing the arguments of M/S. S.K.SAJI, MAYAMOL T.S., G.R.MANJU, SAGITH KUMAR V. & DEVAPRIYA S., Advocates for the petitioner and of PUBLIC PROSECUTOR, for R1, the court passed the following:

**A.BADHARUDEEN, J.**

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**Crl.M.A.No.1 of 2023**

**in**

**B.A.No.918 of 2023**  
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**Dated this the 3<sup>rd</sup> day of January, 2024**

**ORDER**

This is a petition filed under Section 439(1)(b) of the Code of Criminal Procedure, by the petitioner, who is the 2<sup>nd</sup> accused in Crime No.14/2023 of Thrissur West Police Station, to whom this Court granted bail, as per order, dated 9.3.2023, by imposing conditions.

2. In this petition, the petitioner seeks release of the passport he had surrendered before the Chief Judicial Magistrate Court, Thrissur, in obedience of condition No.IV passed in the bail order.

3. Heard the learned counsel for the petitioner as well as the learned Public Prosecutor.

4. The learned counsel for the petitioner pressed for the relief, as sought for, on the submission that the release of the passport is necessary for the petitioner to arrange employment abroad.

5. The learned Public Prosecutor would submit that, in a case, where there is allegation as receipt of Rs.65,00,000/- (Rupees Sixty Five Lakh only) by the accused from the de facto complainant, on promise to arrange MBBS Course at CMC Velloor Medical College, if passport is released, the petitioner would flee from trial and therefore, passport could not be released.

6. On perusal of the petition at par with the argument tendered, it is emphatically clear that, this Court ordered surrender of the passport to ensure the petitioner's presence during investigation and trial, since the allegations are serious. In such a case, if the passport of the petitioner is released, he would flee from trial and the trial would be stalled.

In view of the matter, this petition is liable to be dismissed. Accordingly, this petition is dismissed, directing the trial court to expedite the trial, at any rate, within a period of six months from today.

Sd/-  
**A. BADHARUDEEN**  
**JUDGE**