

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN

THURSDAY, THE 19<sup>TH</sup> DAY OF OCTOBER 2023 / 27TH ASWINA, 1945

CRL.MC NO. 8658 OF 2023

CRIME NO.91/2023 OF SULTHAN BATHERY POLICE STATION, WAYANAD

**PETITIONER/ACCUSED:**

JEENA C.V

AGED 51 YEARS

W/O SHAJI, NISHA NIVAS, (K)ANNOLI NIVAS), AADIKADALAYI  
P.O, KANNUR, PIN - 670007

BY ADV V.VINAY

**RESPONDENTS:**

- 1 STATE OF KERALA  
REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA,  
ERNAKULAM, PIN - 682031
- 2 STATE POLICE CHIEF  
POLICE HEAD QUARTERS, VAZHUTHACAUD, THIRUVANANTHAPURAM,  
PIN - 695010

**OTHER PRESENT:**

SRI.S.SAJJU, ADDL.PP

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON  
19.10.2023, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**P.V.KUNHIKRISHNAN, J.**

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Crl.M.C. No.8658 of 2023  
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Dated this the 19<sup>th</sup> day of October, 2023

**ORDER**

This criminal miscellaneous case is filed with the following prayers:-

*“t is most humbly prayed that this Hon'ble Court may be pleased call for the records of all cases pertaining to the custody and arrest of the petitioner and considering the long custody and release on bail in morethan 100 cases, be pleased to issue appropriate directions to record arrest of the petitioner in all pending criminal cases and to facilitate the release of petitioner in an time bound manner and to further direct the 2<sup>nd</sup> respondent to issue notice to the petitioner u/S 41A of CrPC in case her presence is required for the purpose of investigation in all other connected cases”[SIC]*

2. The petitioner submitted that she is the 5<sup>th</sup> accused in Crime No.91/2023 of Sulthan Bathery Police Station, Wayanad and the 4<sup>th</sup> accused in the same crime approached this Court and this Court passed Annexure-V order with certain directions. The petitioner submitted that the similar order may be passed in this case also. The learned counsel also submitted that in Crl.

MC No.5542/2023 this Court requested the trial court to consider whether the same sureties can execute the bond in all the cases and that direction also may be issued in this case.

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

4. After hearing both sides, I think the case of the petitioner also similar to Annexure V order passed by this Court and therefore, a similar order can be passed in this case also.

5. Therefore, this Crl.MC is disposed of with the following directions:-

1. There will be a direction to the respondents to record the arrest of the petitioner in all crimes already registered against him as on this date, if it is not already recorded, within an outer period of ten days from the date of receipt of a stamped certified copy of this order.

2. In all crimes registered thereafter alleging offences and circumstances of a similar nature as those of the crimes already registered, the procedure contemplated under section 41A Cr.P.C. shall be followed, subject to the exception carved out under clause (3) below.

3. If circumstances exist where the investigating officer requires the arrest of the petitioner in crimes to be registered hereafter, the directions in Arnesh Kumar v. State of Bihar and Another [(2014) 8 SCC 273] and Satender Kumar Antil v. Central Bureau of Investigation and Another [(2022) 10 SCC 51], and the provisions of Section 41(1)(ii) Cr.PC shall scrupulously be complied with. Further, the Magistrate concerned shall scrutinize the need for any detention in such cases with the seriousness it deserves and not in a routine manner.

4. The jurisdictional court will also consider whether the same sureties can be allowed to execute the bond in all the cases.

Sd/-

**P.V.KUNHIKRISHNAN**  
**JUDGE**

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**APPENDIX OF CRL.MC 8658/2023****PETITIONER ANNEXURES**

Annexure-I	THE TRUE COPY OF THE FIR IN CRIME NO.91/2023 REGISTERED BY SULTHANBATHERY POLICE STATION
Annexure-II	THE TRUE COPY OF THE BAIL ORDER DATED 27.09.2023 IN CR.M.C NO,694/2023 ON THE FILES OF SPECIAL COURT, KALPETTA, WAYANAD
Annexure-III	THE TRUE COPY OF THE BIRTH CERTIFICATE OF MASTER DEVDARSH DATED 15.06.2023 ISSUED BY THE KANNUR CORPORATION
Annexure-IV	THE TRUE COPY OF THE TREATMENT RECORD DATED 05.08.2023 ISSUED BY THE NARAYANA MULTI-SPECIALITY HOSPITAL
Annexure-V	THE TRUE COPY OF THE ORDER DATED 25.09.2023 IN CR.M.C NO.6664/2023