

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

&

THE HONOURABLE MRS. JUSTICE C.S. SUDHA

WEDNESDAY, THE 1ST DAY OF MARCH 2023 / 10TH PHALGUNA, 1944

WP(CRL.) NO. 658 OF 2022

PETITIONER/S:

MEGHA OSHIN
AGED 29 YEARS
W/O.ANOOP V.A., KUNNATHU HOUSE, KARUMALLOOR VILLAGE, UC
COLLEGE P.O., ALUVA, ERNAKULAM DISTRICT, PIN - 683 102.
BY ADV AJEESH M UMMER

RESPONDENT/S:

- 1 STATE OF KERALA
REPRESENTED BY THE ADDITIONAL CHIEF SECRETARY TO
GOVERNMENT, HOME & VIGILANCE DEPARTMENT, GOVERNMENT
SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695 001.
- 2 THE DISTRICT COLLECTOR & DISTRICT MAGISTRATE
ERNAKULAM, PIN - 682 030.
- 3 THE STATION HOUSE OFFICER
NORTH PARAVOOR POLICE STATION, NORTH PARAVOOR, PIN -
683 513.
- 4 DISTRICT POLICE CHIEF
ERNAKULAM RURAL, ALUVA, PIN - 683 101.
- 5 THE CHAIRMAN
ADVISORY BOARD, KAAPA, SREENIVAS, PADAM ROAD,
VIVEKANANDA NAGAR, ELAMAKKARA, PIN - 682 026.
- 6 THE SUPERINTENDENT OF JAIL
CENTRAL JAIL, KANNUR, PIN - 670 004.
BY ADVS.
ADVOCATE GENERAL OFFICE KERALA
ADDL.DIRECTOR GENERAL OF PROSECUTION(AG-11)

OTHER PRESENT:

SRI. K.A.ANAS-GP

THIS WRIT PETITION (CRIMINAL) HAVING COME UP FOR ADMISSION ON
01.03.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

CR

ALEXANDER THOMAS & C.S.SUDHA, JJ.

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WP(Crl) No.658 of 2022

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Dated this the 1st day of March, 2023

J U D G M E N T

ALEXANDER THOMAS, J.

The prayers in the aforecaptioned Writ Petition (Criminal), seeking for the writs of certiorari and Habeas Corpus are as follows:

i. Call for the records leading to Exts.P1 and quash the same by the issuance of a writ of certiorari or any other appropriate writ, order or direction.

ii. Issue a writ of habeas corpus commanding the respondents to produce the body of the detenu viz. Anoop VA @ Pokkan Anoop, Aged 32 years, S/o. Aravindakshan, Vayalupadam House, Athani Bhagam, Kizhakkepram Kara, Kottuvally Village, North Paravoor, Ernakulam the husband of the petitioner who is illegally detained in Central Prison, Kannur before this Court and set him at liberty forthwith.

iii. Grant such other reliefs as this Hon'ble Court deems fit and proper in the circumstances of the case including the costs of this Writ Petition (Criminal).

2. Heard Sri.Ajeesh Ummer, learned counsel appearing for the petitioner and Sri.K.A.Anas, learned Prosecutor appearing for the respondents.

3. The petitioner herein is the wife of the detenu, who has

been ordered to be preventively detained, as per the impugned Ext.P1 detention order dated 14.04.2022 issued by the 2nd respondent District Collector/District Magistrate, Ernakulam. The brief facts leading to this case are as follows:

4. Earlier, the detenu was detained under Section 3(1) of the Kerala Anti-Social Activities Prevention Act, 2007 (KAAP Act), as per proceedings dated 05.11.2020, in which four crimes were reckoned for treating the detenu as a 'known rowdy' as per Section 2(p)(iii) read with Section 2(t) of the Act. Challenge was mounted against the said previous detention order, which was dismissed by this Court as per judgment dated 09.04.2021 in WP(Crl) No.57/2021. The currency period of the said previous detention order had expired on 05.05.2021.

5. According to the respondents, after the expiry of the previous detention order, the detenu has got involved in yet another crime and the present Ext.P1 detention order was issued taking note of the subsequent crime committed by the detenu and in the light of the provisions contained in Section 13(2)(i) of the KAAPA. Thus, it can be seen that 4 crimes were reckoned in relation to the previous proceedings and a subsequent crime, which can be treated as the last

and the 5th crime, was also reckoned for the present purpose. The details of the abovesaid five crimes are stated in Ext.P1 detention order and have also been reiterated in paragraph no.6 of the counter affidavit dated 14.09.2022 filed by R1 State Government, as can be seen from a reading of pages 4 to 6 thereof. The details given in paragraph no.6 on pages 4 to 6 of the said counter affidavit of R1 reads as follows:

“6. The 5 cases in which the detenu involved and were considered for the objective satisfaction are as follows:

i. Crime No.1256/2019 of North Paravur Police Station registered u/s 323, 324 & 34 IPC:

The case is that, on 20.10.2019, early morning, due to previous enmity, with an intention to cause bodily harm to the complainant, the detneu and others caused bodily hurt to the complainant with hands and helmet. The detenu is the 1st accused in this case. He was arrested on 29.10.2019 enlarged on station bail. Investigation was completed and Charge sheet was submitted before the Hon'ble Judicial Magistrate Court – III, North Paravur on 31.10.2019 and the case is pending trial as CC – 379/20.

ii. Crime No.703/2020 of North Paravur Police Station registered u/s 452, 506(ii), 427 IPC:

The case is that on 13.06.2020, night, due to previous enmity the detenu and his gang with an intention to cause bodily harm to the complainant, reached at a house near Athani junction with weapons and while they threatened to kill the complainant, he escaped from the spot through the backdoor of the house and on this enmity the gang trespassed into his 'Nambothra' house and damaged house hold articles in the house which caused a loss of Rs.25,000/-. The detenu is the 1st accused in this case. He was arrested on 05.10.2020, admitted to judicial custody and enlarged on bail on 07.10.2020. Investigation was completed and Charge sheet was submitted before the Hon'ble Judicial Magistrate Court, North Paravur on 05.01.2022 and the case is pending trial.

iii. Crime No.671/2020 of Nedumbassery Police Station registered u/s 450, 395 IPC:

The case is that, on 04.05.2020, afternoon, the detenu and his gang with an intention to do robbery on complainant

and his friends by threatening and bodily harm, forcefully robbed money and properties such as mobile phone, gold ornaments amounting to a total of Rs.3,29,500/- and also caused bodily hurt to them. The detenu is the 2nd accused in this case. He was arrested on 03.07.2020, admitted to judicial custody and enlarged on bail on 01.10.2020. Investigation was completed and Charge sheet was submitted before the Additional District Court, North Paravur on 11.11.2020 and the case is pending trial.

iii. Crime No.671/2020 of Nedumbassery Police Station registered u/s 450, 395 IPC:

The case is that, on 04.05.2020, afternoon, the detenu and his gang with an intention to do robbery on complainant and his friends by threatening and bodily harm, forcefully robbed money and properties such as mobile phone, gold ornaments amounting to a total of Rs.3,29,500/- and also caused bodily hurt to them. The detenu is the 2nd accused in this case. He was arrested on 03.07.2020, admitted to judicial custody and enlarged on bail on 01.10.2020. Investigation was completed and charge sheet was submitted before the Hon'ble Additional District Court, North Paravur on 11.11.2020 and the case is pending trial as SC No.1270/22.

iv. Crime No.175/2020 of North Paravur Police Station registered u/s 323, 324, 506, 308 IPC

The case is that, on 19.02.2020, night, as a continuation to the dispute happened in a bar by the complainant against the detenu and his companion, with an intention to cause bodily hurt to the complainant, restrained him in a road from the bike and kicked him down from the bike and caused bodily hurt by hands, legs and helmet. The detenu is the 1- accused in this case. He was arrested on 28.02.2020 (formal arrest), admitted to judicial custody and enlarged on bail from the Hon'ble High Court. Though investigation was completed on 03.05.2020 and Charge sheet was submitted before the Hon'ble Court, currently re-investigation is going on and also report was submitted before the Hon'ble Court to cancel his bail.

v. Crime No. 60/2022 of Aluva West Police Station registered u/s 427, 440, 450, 458, 459, 460, 324, 326, 307 of IPC & Section 25, 27 of Arms Act:

The case is that on 29.01.2022 the detenu and others formed themselves into an unlawful assembly and in prosecution of their common object to murder the complainant and his brother, hit on the right arm of the complainant with a huge stick, caused bone fracture and injury on other body parts. They trespassed into the house of the brother of the complainant, broke the door and inflicted serious injury on his head and neck and attempted to murder him. In this case the detenu is Accused No. 1 and he was arrested on 12.02.2022 and thereafter he continues to be in judicial custody. The case is under investigation.”

6. The 4th respondent District Police Chief as the Sponsoring authority had given report in the matter on 15.03.2022, recommending to the 2nd respondent that, in view of the factual details stated therein, it is a fit case to enable the 2nd respondent authorized detaining authority to issue an order under Section 3(1) so as to preventively detain the petitioner, in order to prevent him from committing further prejudicial anti-social activities as understood in Section 2(aa) of the above Act. After taking into consideration of the said report, the 2nd respondent District Magistrate, Ernakulam has passed the impugned Ext.P1 detention order dated 14.04.2022, stating that, in view of the factual aspects stated therein, the detenu is ordered to be preventively detained under Section 3(1) of the Act, in order to prevent him from committing further prejudicial activities.

7. At the time of issuance of Ext.P1 detention order, the detenu was already in judicial remand and after getting the formal permission of the jurisdictional Magistrate Court concerned, the 2nd respondent has ensured the execution of Ext.P1 detention order by the formal arrest of the detenu which was effected on 22.04.2022. Later, Ext.P1 detention was approved by the respondent Government

on 06.05.2022. Thereafter, the Government has referred the matter for the considered opinion of the Advisory Board on 12.05.2022. The Advisory Board has given its report in the matter on 18.06.2022, recommending to the respondent State Government that there is sufficient cause for the detention of the detenu under Section 10(4) of the Act. On this basis, the respondent State Government has issued GO(Rt) No.1843/2022/Home dated 04.07.2022, confirming Ext.P1 detention order. Going by the details of the abovesaid 5 crimes, there does not appear to be any serious dispute that the detenu would satisfy the definitional contours of 'known rowdy' as per Section 2(p) (iii) read with Section 2(t) of the Act. The main ground urged by the petitioner is against the legality of the subjective satisfaction formed by the 2nd respondent in the issuance of the impugned Ext.P1 detention order.

8. Though, the counsel for the petitioner has raised more than one contention, he has confined his focus to a sole contention in his endeavor to challenge the impugned Ext.P1 detention order. The said sole contention is to the effect that the detenu, as a matter of fact, was ordered to be under judicial remand, not only in the 5th crime but also in the 4th crime, at the time of issuance of Ext.P1 detention order

dated 14.04.2022, but that the 2nd respondent was only aware about the judicial remand in the 5th crime and was ignorant about the judicial remand in the 4th crime and that therefore, the subjective satisfaction formed by the 2nd respondent, that despite the judicial remand in the 5th crime, his preventive detention is justified and imperative, is faulty and legally liable for interdiction, inasmuch as no subjective satisfaction whatsoever has been formed by the 2nd respondent to decide as to whether the preventive detention of the detenu was necessary inspite of his remand in the 4th crime as well, which fact was unknown or not correctly comprehended by the 2nd respondent.

9. Per contra, Sri.K.A.Anas, learned Prosecutor appearing for the respondents would strongly oppose the tenability of the abovesaid pleas put forward by the counsel for the petitioner and would submit that the said plea is liable to be rejected by this Court. Instead of now dealing with the rival pleas, we now propose to enter into the abovesaid contentions of the petitioner and render our findings thereon.

10. At the outset, we may refer to the provisions contained in Section 13(2) of the KAAP Act, which reads as follows:

“13. Revocation of detention order-

(1) xxxxxxxx

(2) The revocation or expiry of a detention order shall not be a bar for the issuance of another detention order under Section 3 against the same person, if he continues to be a person falling within the definition of known rowdy or known goonda as given in Section 2(o) or Section 2(p) and if,-

(i) after release, he is, found to have, again involved in an offence of the nature described in Section 2(o) or Section 2(p) at least in one instance; or

(ii) the facts, which came to the notice of the Government or the authorized officer after the issuance of the earlier detention order, considered alongwith previously known facts are sufficient to cause a reasonable apprehension that he is likely to indulge in or promote or abet anti-social activities; or

(iii) the procedural errors or omissions, by reason of which the first order was revoked, are rectified in the procedure followed with regard to the subsequent order, even if the subsequent order is based on the very same facts as the first order.”

11. We are concerned only with the applicability of Clause (i) of Section 13(2) of the Act. Section 13(2)(i) of the Act stipulates that revocation or expiry of detention order shall not be a bar for issuance of another detention order under Section 3 against the same person, if he continues to be a person falling within the definition of known rowdy or known goonda as given in Section 2(o) or Section 2(p)(i) and if after release, he is, found to have again involved in an offence of the nature described in Section 2(o) or Section 2 (p) atleast in one instance.

11. In the instant case, the first four crimes form the subject matter of consideration of the previous detention order, which got

expired as above. There is no dispute that the said four crimes have occurred within the seven year period prior to the issuance of the present Ext.P1 detention order dated 14.04.2022. Therefore, there cannot be any serious quarrel that the detenu had continued to be a person within the definition of 'known rowdy' 'known goonda, as understood in Section 2(o) or 2(p), just immediately prior to the issuance of Ext.P1 detention order, going by the abovesaid 4 crimes. There is also no factual dispute that after expiry of the previous detention order, the detenu has got involved in the 5th crime supra, and the nature of the offence of the 5th crime is the one conceived in Section 2(p) of the Act. Hence, the jurisdictional parameters conceived in Clause (i) of Section 13(2) of the Act are fulfilled in this case. Hence, in that view of the matter, it is only to be found that Ext.P1 detention order would satisfy the requirement of Section 13(2) (i) of the Act, eventhough, the first four crimes form part of the consideration of the previous detention order and only one extra crime has been allegedly committed by the detenu, after the issuance of the previous detention order and just before the issuance of the present detention order. Now we would get into the resolution of the sole contention urged by the petitioner.

12. It is common ground that the detenu got himself involved in the 5th crime, which is said to have been committed on 29.01.2022 and was reported to the Police on 30.01.2022, which led to the registration of the said crime No.60/2022 of Aluva West Police Station, for offences punishable under Section 307, 427, 440, 450, 458, 459, 460, 324 and 326 of the IPC, read with Sections 25 & 27 of the Arms Act. 25 accused persons have been arrayed therein, and the name of the detenu has been arrayed as A1 in the abovesaid FIR registered on 30.01.2022. Thereafter, the detenu (A1) was arrested on 12.02.2022 and he was remanded to judicial custody on 12.02.2022 and he continued to be under judicial remand as on the date of issuance of Ext.P1 detention order and even thereafter for quite long time. Pages 4 to 9 of Ext.P1 detention order deals with the abovesaid 5 crimes supra (see pages 18 & 19 of the paper book). Page no.8 thereof deals with the 5th crime and a reading of the same would clearly indicate that the 2nd respondent was aware of the fact that the detenu was already under judicial remand in the afore 5th crime since 12.02.2022 and that thereafter, he continued to be under such remand. A reading of internal page no.22 of Ext.P1 (see page 33 of the paper book) would further indicate that the 2nd respondent, after

consideration, has stated that the detenu was under judicial remand in the 5th crime and that, if he is released on bail, he is very likely to commit further prejudicial anti-social activities and that the 2nd respondent is fully satisfied that it is imperative to issue an order under Section 3(1) to detain the detenu in order to ensure that he is restrained from committing further anti-social activities.

13. Further, internal pages 7 & 8 of Ext.P1 deals with the 4th crime supra. On page 8 of Ext.P1, it is stated by the 2nd respondent that the 4th crime was then under further investigation and would show that the 2nd respondent stated that the detenu was released on bail in the 4th crime and further that final report was also filed, but that the crime is under further investigation and that an application to cancel the bail of the detenu for his involvement in the 4th crime has been filed before the jurisdictional court concerned and that he is accused no.6 in the said 4th crime etc. So it is clear that the 2nd respondent was not aware that the detenu was already under judicial remand even in the 4th crime at the time of issuance of Ext.P1 detention order dated 14.04.2022.

14. As a matter of fact, the 3rd respondent sponsoring authority has given a report in the matter and the said materials also

form part of Ext.P1 proceedings. A copy of the order dated 01.07.2022 rendered by this Court in BA No.3494/2020 would indicate that earlier this Court had granted anticipatory bail to the detenu for his involvement in the 4th crime (see pages 106 to 110 of the paper book). Further materials are also reported by the sponsoring authority and it is stated therein that later, on account of the involvement of the detenu in the 5th crime, the investigating agency had filed an application before this Court to cancel the anticipatory bail already granted to the detenu for the 4th crime. Therein this Court has passed order dated 24.02.2022, in Crl.MA No.1/2020 in the said bail application No.3494/2020, cancelling the anticipatory bail previously granted to the detenu on 01.07.2022, on account of his subsequent involvement in the 5th crime. Further materials would also show that, thereafter, the investigating agency has also filed a formal application before the jurisdictional Magistrate Court concerned, for ensuring the formal arrest of the detenu in consequence to the bail cancellation order dated 24.02.2022, as at that time, the detenu was already under judicial remand in the 5th crime. Such judicial permission has been secured on 28.02.2022, as can be seen from a reading of page 115 of the paper book. Later, the formal arrest of the detenu, in the 4th

crime, on account of the bail cancellation order passed by this Court, has also been recorded and hence, it is beyond any dispute that the detenu was also under judicial remand in the 4th crime since 28.02.2022, which is much before the issuance of Ext.P1 order dated 14.04.2022.

15. However, the Prosecutor has pointed out that it has been stated by the 2nd respondent, in internal pages 17 & 18 of Ext.P1 (see pages 28 & 29 of the paper book), that the 2nd respondent has also stated therein that the detenu was formally arrested in the 4th crime on 28.02.2022 and he was under judicial remand since then. However, it is further stated therein by the 2nd respondent that later, this Court had again granted bail to the applicant, presumably in regard to the 4th crime and further that, the investigation in the case was initially completed on 03.05.2020 and later, the case has been ordered for further investigation. So, it can be seen that the 2nd respondent has not stated in page 8 of Ext.P1 (see page 19 of the paper book) that the detenu was under judicial remand in the 4th crime, but on the other hand has stated as if he was on bail in the 4th crime as well. It is further stated by the 2nd respondent, in pages 17 and 18 of Ext.P1, that the 2nd respondent is aware about the bail

cancellation of the detenu in regard to the 4th crime. But, very crucially, the 2nd respondent would state, in the same breath, in pages 17 & 18 of Ext.P1, that after the judicial remand of the detenu in the 4th crime on 28.02.2022, he had again secured bail from this Court and that a bail cancellation application is pending before this Court. The said facts projected in pages 17 & 18 of Ext.P1 under the caption of the 4th crime, as if after judicial remand in the 4th crime, the detenu had again secured bail from this Court and bail cancellation application was pending before this Court and as if he was already released on bail and enjoying liberty in that case etc, are completely non-existent facts and fully factually wrong.

16. The correct factual position in the matter indisputably is that the applicant had initially secured anticipatory bail in the 4th crime from this Court on 01.07.2020 and later, the said bail was cancelled by this Court as per order dated 24.02.2022, on account of his involvement in the 5th crime, as it amounted to a violation in the bail condition in the 4th crime and consequently, he was under judicial remand after getting the formal arrest recorded on 28.02.2022 as can be seen from the materials provided by none other than the 3rd respondent to the 2nd respondent. In spite of these materials given by

the 3rd respondent, those factual aspects have not been taken into account and correctly comprehended by the 2nd respondent in the issuance of Ext.P1. So, it can be seen that the 2nd respondent has proceeded on the premise as if the detenu was not under judicial remand in the 4th crime at the time of issuance of Ext.P1 detention order dated 14.04.2022, which is nothing but a totally wrong factual statement.

17. The law on the subject matter is very clear and well established and as can be seen from the various case laws settled by the Apex Court. It is well settled that an order of preventive detention can be validly passed against a person already in judicial custody and for that purpose, it is necessary that the grounds of detention must show (1) the detaining authority must be aware of the fact that the detenu is already in detention; (2) there were compelling reasons justifying such detention, despite the fact that the detenu is already in detention. Further, the compelling reasons in that regard should imply that there must be cogent materials before the detaining authority, on the basis of which it is to be satisfied that (a) the detenu is likely to be released from custody in the near future and (b) taking into account, the nature of antecedent activities of the detenu, it is likely that, after

his release from custody, he would indulge in prejudicial activities and it is necessary to detain him in order to prevent him, from engaging in such further activities (see para 21 of **Dharamendra Suganchand Chelawat vs. UOI & Others (1990 (1) SCC 746)** and the various case laws cited in that decision). The legal position in that regard has also been reiterated in subsequent decisions, as in **Abdul Sathar Ibrahim Manik vs. UOI & Others (1992 (1) SCC 1)**.

18. So, the legal position enunciated by the Apex Court is to the effect that (1) the detaining authority must be aware of the fact that the detenu is already in detention, consequent to judicial remand, (2) On the basis of some materials, the detaining authority must be satisfied that the detenu is likely to be released on judicial custody in the near future and (3) taking into account, the nature of the antecedent activities of the detenu, it is likely that, after his release from such judicial custody, he would still indulge in prejudicial activities and that therefore, it is necessary and imperative to detain him, with the purpose of preventing him from engaging in such activities. A 2 judge of the Apex Court, in the case in **UOI & Anr. vs. Dimple Happy Dhakad (AIR 2019 SC 3428)** has dealt with the legal position in that regard (see paragraphs 33 to 37 thereof).

20. A three Judge Bench of the Apex Court, in the case **UOI Vs. Ankit Ashok Jalaan, (2020 (62) SCC 185)** has again reiterated the legal positions on the above subject matter (see paragraphs 8 to 17 thereof).

21. A reading of paragraph No.10 of the three Judge Bench of the Apex Court in **Ankit Ashok Jalan's** case supra would indicate that the detention order therein would clearly indicate that the detaining authority therein was aware of the fact that the detenu was under judicial remand in that case at that time and further, it is also stated that the detaining authority is of the view that there is an immediate possibility of the release of the detenu from judicial custody and further that, if he is so released on bail, he is likely to continue to indulge in further prejudicial activities and that therefore, there is a need to issue a detention order under the COFEPOSA Act etc, with a view to prevent him from committing further prejudicial activities etc, So, the law is well settled that the abovesaid legal parameters should be fulfilled by the detaining authority to justify a case of preventive detention, where an accused is already under judicial remand in a crime.

22. In the instant case, the detenu was aware only about the judicial remand in the 5th crime and it is in that context that the 2nd respondent has stated that the preventive detention order is imperative and necessary, with a view to prevent him from committing further prejudicial activities, in view of the aspects stated in internal page no.32 of Ext.P1 (see page 33 of the paper book). However, the detaining authority, was unaware that the detenu was under judicial remand even in the 4th crime and wrongly assumed that he was on bail in that case. The 2nd respondent has therefore not even considered as to whether the other parameters like the likelihood of being released on bail and the likelihood of committing further prejudicial activities, despite his judicial remand in the 4th crime. As a matter of fact, even if the detenu had subsequently secured bail in the 5th crime, he would have continued to be on judicial remand in the 4th crime, unless he had thereafter secured bail in the 4th crime as well. The legal principles enunciated by the Apex Court in the above case laws have to be strictly followed by the detaining authority. The jurisprudential basis for the said legal position is that, where a detenu is already under judicial remand in a criminal proceeding, then, ordinarily, there may not be any high

necessity for resort to the extreme measure of preventive detention, which involves curtailment of liberty. However, the law still permits such preventive detention, but after fulfilling the above parameters mentioned in the above case laws stated supra. Therefore, if the detenu is on judicial remand in more than one case, then the abovesaid legal requirements should be fulfilled by the detaining authority in each of such cases, where he is under judicial remand. The rationale of the said approach is very simple, inasmuch as even if the detenu is subsequently released on bail in one among the crimes, he may still continue to be on judicial remand in the other crimes. Therefore, the necessity and imperativeness for resorting to the measure of preventive detention should be satisfied with reference to each of such case of judicial remand.

23. In other words, the impugned decision making process, which led to Ext.P1 detention order, is liable for interdiction in the present judicial review proceedings. In that view of the matter, it is ordered that the impugned Ext.P1 detention order dated 14.04.2022 will stand quashed and set aside.

24. According the counsel for the petitioner, the detenu could subsequently secure regular bail in the 5th crime after completion of

the investigation and submission of the final report / charge sheet in that case. However, from the submissions of both sides, we are told that the detenu continues to be under judicial remand in the 4th crime. Further, Ext.P1 detention order has been executed on 22.04.2022 and the one year validity period thereof is upto 21.04.2023. If the detenu is already under judicial remand in the 4th crime or any other case, there is no question of immediate release of the detenu. Suffice to say, the respondents will release the detenu from detention, covered by Ext.P1 detention order, if his detention is not required in any other case.

25. The Secretary to the office of the Advocate General will forward copies of this judgment to the respondents as well as to the Superintendent, Central Jail, Kannur, where the detenu is now detained, for necessary information and further action, if necessary.

With these observations and directions, the above WP(Crl) will stand finally disposed of.

sd/-
ALEXANDER THOMAS, JUDGE

sd/-
C.S. SUDHA, JUDGE

APPENDIX OF WP(CRL.) 658/2022

PETITIONER EXHIBITS

- Exhibit P1 TRUE COPY OF THE ORDER NO.DCEKM/3605/2022/M.7
DATED 14/04/2022.
- Exhibit P2 A TRUE COPY OF THE REPRESENTATION DATED
26/04/2022 BEFORE 1ST RESPONDENT.
- Exhibit P3 A TRUE COPY OF THE REPRESENTATION DATED
26/04/2022 BEFORE FIFTH RESPONDENT.
- Exhibit P4 A TRUE COPY OF THE ORDER REJECTING BAIL TO
THE DETENUE IN CP 22/2020 OF JUDICIAL FIRST
CLASS MAGISTRATE COURT-1, NORTH PARAVOOR
DATED 28.04.2022.