

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 3RD DAY OF FEBRUARY 2015/14TH MAGHA, 1936

Crl.MC.No. 476 of 2015 ()

**IN CMP 6273/2014 of JUDICIAL FIRST CLASS MAGISTRATE COURT- II, MAVELIKKARA
CRIME NO. 1153/2014 OF NOORANADU POLICE STATION , ALAPPUZHA**

PETITIONER(S)/ACCUSED NO.3:

**SINOJ AGED 32 YEARS
S/O.RAHIM RAWTHER, NEDUMPURATHU THENGHUM THUNDIL
SOUTH MURI, THAMARAKULAM VILLAGE.**

BY ADV. SRI.UNNIKRISHNAN.V.ALAPATT

RESPONDENT(S)/STATE/COMPLAINANT:

**STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR HIGH COURT OF KERALA.**

R BY PUBLIC PROSECUTOR SMT. S. HYMA

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 03-02-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Crl.MC.No. 476 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

**ANNEXURE 1: A TRUE COPY OF THE ORDER OF THE JFCM-II, MAVELIKKARA
05/01/2015 IN CMP.NO. 6273/2014 IN CRIME NO. 1153/2014 OF NOORANADU POLICE
STATION.**

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

PA TO JUDGE
sab

P.UBAID, J.

Crl. M.C No. 476 of 2015

Dated this the 3rd day of February, 2015.

O R D E R

The petitioner herein is aggrieved by a condition imposed by the Judicial First Class Magistrate Court -II, Mavelikkara for release of his vehicle under Section 451 Cr.P.C. The offences involved in the crime are under Sections 143, 147, 148, 324, 323 and 307 r/w 149 of IPC. The police seized the vehicle on the ground that after the incident the accused were found traveling in the said vehicle. Strange it is really, that the police seized the vehicle on the ground that after the incident the accused were found traveling in the said car. Anyway, the application under Section 451 Cr.P.C was mechanically dealt with by the learned Magistrate. Besides directing the petitioner to execute a bond for production of the property, the learned Magistrate directed him to furnish cash security also. The amount is Rs. 1,00,000/-. This is the objectionable condition sought to be set aside under Section 482 Cr.P.C. I fail to understand why the learned Magistrate has imposed such a condition, that the petitioner shall furnish a security of Rs.1,00,000/-. There is already a direction to execute bond to

cause production of property as and when required. As already observed, it is not known whether there was any legal necessity to seize the car. Anyway, the objectionable condition is liability to the set aside.

In the result, this petition is allowed. The objectionable condition imposed by the court below as per the order dated 5.1.2015 in C.M.P No. 6273/14, directing the petitioner to furnish cash security will stand set aside.

P.UBAID,
JUDGE

sab