

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

THURSDAY, THE 12TH DAY OF FEBRUARY 2015/23RD MAGHA, 1936

Cr1.MC.No. 726 of 2015

IN CMP 1222/2014 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT I,
PERUMBAVOOR
CRIME NO. 953/2014 OF KALADY POLICE STATION , ERNAKULAM

PETITIONER/ACCUSED:

DILEEP, AGED 34 YEARS,
S/O.BHASKARAN, KAIPUZHA VEEDU,
MALAYATTOR VILLAGE
ERNAKULAM DISTRICT.

BY ADVS.SRI.R.SUDHISH
SMT.M.MANJU
SRI.A.R.BEJOY

RESPONDENT/COMPLAINANT:

STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM-682 031.

BY PUBLIC PROSECUTOR SMT.S.HYMA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 12-02-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Cr1.MC.No. 726 of 2015

APPENDIX

PETITIONER'S ANNEXURES:

ANNEXURE-A1.COPY OF THE APPLICATION IN CMP NO.1222/2014 IN CRIME
NO.953/2014 OF KALADY POLICE STATION DATED 17/6/2014.

ANNEXURE-A2.COPY OF THE ORDER IN CMP NO.1222/2014 IN CRIME
NO.953/2014 OF KALADY POLICE STATION DATED 25/6/2014.

RESPONDENT'S ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.726 of 2015

Dated this the 12th day of February, 2015

O R D E R

On search in the house of the petitioner herein the Sub Inspector of Police, Kalady Police Station seized an amount of ₹2,83,650/-, and on suspicion that it was being kept by the petitioner as part of unauthorised money lending business, the Sub Inspector registered a case against the petitioner under the provisions of the Kerala Money Lenders Act. The petitioner filed an application before the learned Judicial First Class Magistrate Court I, Perumbavoor for interim custody of the amount under Section 451 of the Code of Criminal Procedure. The learned Magistrate allowed the application on certain conditions. The objectionable condition is that he is required to furnish bank guarantee for ₹2,83,680/-. This condition is sought to be set aside under Section 482 of the Code of Criminal Procedure.

2. On hearing both sides, and on a perusal of the materials I find that such a condition is not necessary at all.

There is already a direction to execute bond with two solvent sureties for ₹2,80,000/-. The very sustainability of the prosecution is under challenge. Anyway, I find that the direction to execute bond will suffice in this case. The other condition is really onerous and unreasonable.

In the result, this Criminal Miscellaneous Case is allowed. The condition imposed by the court below as per the order dated 25.6.2014 in C.M.P No.1222/2014, directing the petitioner to furnish bank guarantee will stand set aside.

**P.UBAID
JUDGE**

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