

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 8TH DAY OF APRIL 2015/18TH CHAITHRA, 1937

Crl.MC.No. 1814 of 2015 ()

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AGAINST THE ORDER IN CMP NO.566 OF 2015 IN CC 138/2015 of JUDL. FIRST  
CLASS MAGISTRATE COURT,NORTH PARAVUR (TEMPORARY) DATED 04-03-2015

PETITIONER/1ST AND 2ND ACCUSED:

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1. VIKRAMAN AGED 35 YEARS  
S/O.CHANDRAN, ELLATHAN HOUSE, PULLUTTU  
NARAYANA MANGALAM, PUTHENCHIRA, THRISSUR DISTRICT
2. RAFEEQ AGED 32 YEARS  
S/O.RASHEED, THERUVIL HOUSE, KANNIKULANGARA  
P[UTHENCHIRA, THRISSUR DISTRICT

BY ADVS.SRI.G.SREEKUMAR (CHELUR)  
SRI.N.L.BITTO

RESPONDENT(S)/RESPONDENTS/STATE OF KERALA:

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THE STATE OF KERALA  
THROUGH THE SUB INSPECTOR OF POLICE  
PUTHENVELIKKARA POLICE STATION  
REP BY THE PUBLIC PROSECUTOR  
HIGH COURT OF KERALA AT ERNAKULAM 682 031

BY PUBLIC PROSECUTOR SMT.S.HYMA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON  
08-04-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Crl.MC.No. 1814 of 2015 ()

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APPENDIX

PETITIONER(S)' EXHIBITS

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ANNEXURE 1 A RUE COPY OF THE ORDER PASSED IN CMP 566/2015 IN CC 138  
OF 2014 BY THE JUDICIAL 1ST CLASS MAGISTRATE PUTHENVELIKKARA DATED  
4/3/2015

RESPONDENT(S)' EXHIBITS

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/TRUE COPY/

P.S TO JUDGE

**P.UBAID, J.**  
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**Crl.M.C No.1814 of 2015**  
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**Dated this the 8<sup>th</sup> April, 2015**

**ORDER**

The petitioners herein are the accused in C.C No.138 of 2015 of the Judicial First Class Magistrate's Court, North Paravur involving the offence under Section 394 read with Section 34 of Indian Penal Code. The subject matter of forgery is 4.8 gms of gold. The petitioners are in judicial custody ever since the date of arrest on 26.1.2015. They were granted bail by the learned Magistrate on certain conditions. The petitioners are aggrieved by those conditions, and those conditions being impracticable, they will continue in custody. One of the conditions is that one of the sureties shall be a blood relative of the accused, and the other objectionable condition is that, each accused shall make security deposit of ₹ 25000/-.

2. On hearing both sides, I find the necessity of some modification in the objectionable conditions. As regards the second condition, I find that the sureties can be any close relative of the accused. As regards the third

condition, I find that it can be set aside because other appropriate directions are already there to ensure their appearance in court during trial.

In the result, this petition is allowed in part. The third condition imposed by the court below as per the order dated 4.3.2015 in C.M.P. No.566 of 2015 directing cash deposit will stand set aside. The second condition will stand modified that one of the sureties shall be a relative of the accused.

**Sd/-  
P.UBAID  
JUDGE**

ma

/True copy/

P.S to Judge