

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 27TH DAY OF MARCH 2015/6TH CHAITHRA, 1937

Crl.MC.No. 1927 of 2015 ()

**IN CC 1425/2014 of J.M.F.C.-II, CHERTHALA
CRIME NO. 174/2014 OF AROOR POLICE STATION , ALAPPUZHA**

PETITIONER(S)/PETITIONER:

**VIJESH P.C. AGED 24 YEARS
S/O.CHINNAPPAN, PUTHENTHARA HOUSE, ERAMALLOOR P.O.
CHERTHALA, ALAPPUZHA DISTRICT - 688 537.**

**BY ADVS.SRI.C.ANILKUMAR (KALLESSERIL)
SRI.C.Y.VINOD KUMAR**

RESPONDENT(S)/RESPONDENT:

**STATE OF KERALA
(REP. BY THE SUB INSPECTOR OF POLICE
AROOR POLICE STATION - CR.NO.174/2014 OF AROOR POLICE
STATION) REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.**

R BY PUBLIC PROSECUTOR SMT. P. MAYA

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 27-03-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Crl.MC.No. 1927 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

ANNEXURE-A1: TRUE COPY OF THE ORDER DATED 5.6.2014 IN CMP NO.1779/2014 IN CR.NO.174/2014 OF AROOR POLICE STATION, IN C.C.NO.1425/2014 ON THE FILE OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT-II, CHERTHALA.

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

PA TO JUDGE
sab

P.UBAID, J.

Crl. M.C No. 1927 of 2015

Dated this the 27th day of March, 2015.

O R D E R

The petitioner herein is the registered owner of a motor cycle, involved in Crime No.174 of 2014 of the Aroor Police Station, registered under Section 20 (b) (ii) B, 28 and 43(b) of the NDPS Act. He is not accused in the case. The quantity of ganja involved is only 50 gms. The petitioner made application before the learned Judicial First Class Magistrate -II, Cherthala for interim custody of the vehicle under Section 451 Cr.P.C. The learned Magistrate allowed the request on conditions. The petitioner is aggrieved by the condition directing him to deposit as ₹ 25,000/- as cash security. As regards the other condition, he has no grievance. The objectionable condition is sought to be set aside under Section 482 Cr.P.C. On hearing both sides and on a perusal of the impugned order I find that the objectionable condition requires modification. There is already a direction to execute a bond for ₹ 75,000/-, and this will ensure production of the vehicle. Still some cash security is felt necessary. Accordingly, the amount can be reasonably reduced to ₹ 7,500/-.

In the result, this petition is allowed in part. The condition imposed by the court below as per the order dated 5.6.2014 in C.M.P No.1779 of 2014 directing the petitioner to deposit ₹ 25,000/- will stand modified to the effect that the petitioner shall deposit ₹ 7,500 in court. The other condition will continue in force.

Sd/-

P.UBAID,
JUDGE

sab