

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

THURSDAY, THE 16TH DAY OF JULY 2015/25TH ASHADHA, 1937

CrI.MC.No. 4342 of 2015

**CRL.MP 2530/2015 OF 1ST ADDITIONAL SESSIONS COURT, THRISSUR
CRIME NO. 852/2015 OF PERAMANGALAM POLICE STATION , THRISSUR**

PETITIONER(S)/PETITIONER:

**APPU, AGED 54 YEARS,
S/O.CHANGAN, MUTHUVANNUR HOUSE, PUTHUR P.O.
KAIPARAMBU, THRISSUR DISTRICT.**

**BY ADVS.SRI.HRITHWIK
SRI.SHAJIN S.HAMEED**

RESPONDENT(S)/RESPONDENT:

**STATE OF KERALA,
REPRESENTED THROUGH THE INSPECTOR OF POLICE,
PERAMANGALAM CIRCLE,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SRI.GITHESH

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 16-07-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

Crl.MC.No. 4342 of 2015

APPENDIX

PETITIONER(S)' ANNEXURES

**ANNEXURE A : PHOTOCOPY OF THE ORDER DATED 12/5/15 IN BA.3269/15 OF THIS
HONOURABLE COURT.**

**ANNEXURE B: FREE COPY OF THE ORDER DATED 1/7/15 IN CRL.M.P.2530/15 OF THE
1ST ADDITIONAL SESSIONS COURT, THRISSUR.**

RESPONDENT(S)' ANNEXURES

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

ALEXANDER THOMAS, J.

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Crl.M.C.No. 4342 of 2015

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Dated this the 16th day of July, 2015

O R D E R

What is challenged in this Crl.M.C. is the impugned condition No. "h" in Anx.B order granting interim release of the vehicle in question to the petitioner seized in connection with Crime No.852/ 2015 of Peramangalam Police Station. Interim custody of the vehicle was granted to the petitioner as per Anx.B order rendered on Crl.M.P.No. 2530/2015 of the 1st Additional Sessions Judge, Thrissur subject to eight conditions in paragraph 5 thereof, which read as follows:

- "a) The petitioner can get interim custody of the vehicle if he is the registered owner, on executing bond for Rs. 3 lakh within 2 solvent sureties for the like sum.
- b) Before release of the vehicle the same shall be inspected by the Motor Vehicle Inspector as to report about the present condition, model, engine number and chassis number.
- c) Photographs of the vehicle from all sides and interior shall be taken in the presence of the Investigating Officer and the photographs, negatives or CD shall be produced before the Court.
- d) Petitioner shall not alter the present nature, style, colour and features of the vehicle.

- e) The vehicle shall not be taken out of the revenue district.
- f) The petitioner shall declare the place wherein the vehicle will be stationed and the vehicle shall be available at the place within a short time.
- g) One among the sureties shall be a close relative of the petitioner.
- h). One among the petitioner and the sureties shall produce bank security for Rs.3 lakh and the same will be retained by the court till the disposal of the case.
- i). The petitioner and the sureties shall be personally liable to preserve the vehicle as such and produce the same before the court as and when required as it is required from the court.
- j) The petitioner and the sureties shall not use the vehicle for any unlawful or illegal activities."

2. The limited prayer made by the petitioner is that condition No."h" may be deleted as it is onerous and it is impossible for the petitioner to furnish bank guarantee for Rs.3 lakh for getting interim release of the vehicle in question.

3. Heard Sri.Sajin.S.Hameed, learned counsel for the petitioner and the learned Public Prosecutor appearing for the respondent State of Kerala.

4. Taking into account the totality of the facts and circumstances of this case, this Court is of the considered opinion that in view of imposition of condition No. "a" in Anx.B order, incorporation of condition No. "h" is not really warranted and

appears to be onerous. Accordingly, it is ordered in the interest of justice that the impugned condition No."h" shall stand deleted. All the other conditions in Anx. B order will remain unaltered.

With these observations and directions, the Crl.M.C. stands finally disposed of.

sd/-
ALEXANDER THOMAS, JUDGE

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///True copy///

P.S. to Judge