

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS**

**THURSDAY, THE 23RD DAY OF JULY 2015/1ST SRAVANA, 1937**

**CrI.MC.No. 4467 of 2015 ()**

**CRIME NO. 611/2015 OF KUNNICODE POLICE STATION, KOLLAM DISTRICT**

**PETITIONER/PETITIONER :**

SUMANDH  
AGED 39 YEARS, S/O. HEMACHANDRAN,  
CHANDRAVILASOM VEEDU  
CHELIKKUZHAY MURI, PATTAZHY,  
VADAKKEKARA VILLAGE.

BY ADVS.SRI.ABDUL JALEEL A.  
SMT.M.A.SULFIA

**RESPONDENTS/RESPONDENT :**

1. STATE OF KERALA  
REPRESENTED BY THE PUBLIC PROSECUTOR  
HIGH COURT OF KERALA, KOCHI-682 031.
2. SUB INSPECTOR OF POLICE  
KUNNIKODE POLICE STATION, KOLLAM DISTRICT.

**R1 & R2 BY PUBLIC PROSECUTOR SRI. DHANESH MATHEW MANJOORAN**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION  
ON 23-07-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

**Mn**

**Crl.MC.No. 4467 of 2015 ()**  
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**APPENDIX**

**PETITIONERS' ANNEXURES :**  
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**ANNEXURE A1 : CERTIFIED COPY OF THE PETITION IN CRL.MP NO.3189/15 OF  
THE LEARNED JUDICIAL FIRST CLASS MAGISTRATE COURT-I,  
PUNALUR.**

**ANNEXURE A2 : CERTIFIED COPY OF THE ORDER IN CRL.MP NO.3189/15 IN  
CRIME NO.611/15 OF KUNNIKODE POLICE STATION BY THE  
LEARNED JUDICIAL FIRST CLASS MAGISTRATE COURT-I,  
PUNALUR DTD.25.5.2015.**

**RESPONDENT(S)' EXHIBITS : NIL**  
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**//TRUE COPY//**

**P.A. TO JUDGE**

**Mn**

ALEXANDER THOMAS, J.  
=====  
Crl.M.C.No.4467 of 2015  
=====  
Dated this the 23<sup>rd</sup> day of July , 2015

O R D E R

The prayer made in this Crl.M.C is for directions from this Court to delete or modify the impugned condition No.1 of Anx.A-2 Order. By Anx.A-2 order rendered on 25-05-2015 by the learned Judicial First Class Magistrate Court-I, Punalur in Crl.M.P.No.3189/2015 filed in Crime No.611/2015 of Kunnikode Police Station, the court below has granted interim custody of the seized motorcycle to the petitioner subject to the following conditions:

- “ 1. The petitioner shall produce a bank guarantee for Rs.42,000/- (Rupees Forty Two Thousand Only).
2. The petitioner shall obtain photos of the vehicle and producing the same along with CD. Both the photos and CD shall be attested by him and his counsel.
3. The petitioner shall not alienate the vehicle or make the vehicle unidentifiable in any manner pending disposal of the case.
4. The petitioner shall produce the vehicle as and when directed.”

The petitioner is not an accused in the aforesated crime but it is stated that the vehicle belongs to the petitioner and it used by a friend of the petitioner who is now an accused in the impugned crime. It is pointed that the motorcycle is quite old and the value of the motorcycle is much less than Rs.42,000/- (Rupees Forty Two

Thousand only) now stipulated in the impugned condition and further that the petitioner is in distressed financial condition and that he cannot afford to deposit of the said huge amount of Rs.42,000/- before the court below and if it is insisted, the petitioner will not be able to avail the benefit of the interim custody of the vehicle granted as per Anx.A2 order. It is further undertaken by the petitioner that the petitioner would execute a bond of Rs.42,000/- and will furnish two solvent sureties to the like sum each to the satisfaction of the court below concerned and that the impugned condition No.1 accordingly be substituted by such appropriate condition.

Heard. Sri.Abdul Jaleel.A and the Smt.Sulfia.M.A learned advocates appearing for the petitioner and the learned Public Prosecutor appearing for the respondent-State of Kerala. Having regard to the submission made on either sides it is ordered in the interest of justice impugned condition No.1 will stand modified and substituted by the directions that the petitioner shall produce a bank guarantee or cash security deposit of Rs.10,000/- before the court below and shall execute bond balance amount of Rs.32,000/- and furnish two solvent sureties for the like sum of Rs.32,000/- each to the satisfaction of the court below concerned. All other

conditions impugned Anx.A2 will stand remain unaltered. On satisfying the other conditions of Anx.A2 along with the modified condition No.1 as directed above, the interim custody of the vehicle to the petitioner without much delay.

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

Sd/-  
ALEXANDER THOMAS, JUDGE

AVS