

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V

FRIDAY, THE 21ST DAY OF AUGUST 2015/30TH SRAVANA, 1937H

Crl.MC.No. 5849 of 2015

CRIME NO. 978/2015 OF VENGARA POLICE STATION, MALAPPURAM.
.....

PETITIONER/ACCUSED NO.2:

**MUHAMMED SHAFI, S/O.ABDUL NAZAR,
AGED 24 YEARS, AMBALAPALLI HOUSE,
KOLAPPURAM SOUTH, MALAPPURAM DISTRICT.**

**BY ADVS.SRI.BABU S. NAIR
SRI.R.RANJITH (K/489/2011)**

RESPONDENT/STATE:

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

BY PUBLIC PROSECUTOR SMT.M.T.SHEEBA

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 21-08-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

APPENDIX

PETITIONERS' ANNEXURES:

**ANNEXURE A : TRUE COPY OF THE APPLICATION FILED BY THE COUNSEL
FOR THE PETITIONER BEFORE THE J.F.C.M, MALAPPURAM
FOR ADVANCING THE CASE, DATED 17.8.2015.**

RESPONDENTS' ANNEXURES: NIL.

//TRUE COPY//

P.S. TO JUDGE

mbr/

RAJA VIJAYARAGHAVAN V, J.

CrI.M.C.No.5849 of 2015

Dated this the 21st day of August, 2015

O R D E R

The petitioner is the second accused in Crime No.978/2015 of Vengara Police Station which is registered alleging offence punishable under section 379 of the Indian Penal Code and sections 20 and 23 of the Kerala Protection of River Banks and Regulation of Removal of Sand Act, 2001.

2. It is submitted by the learned counsel for the petitioner that the application for bail filed by the petitioner was allowed on 06.08.2015 and he had executed the bail bond. The petitioner was thereafter directed by the learned magistrate to substitute one of the sureties within a period of 5 days. Due to his inability to substitute one of the sureties, the case was posted to 24.08.2015. Thereafter,

the case was advanced by the petitioner by filing Annexure A application. Later, it is contended that on 17.08.2015, the application filed by the petitioner was dismissed by the learned magistrate and non bailable warrant was issued against him. The limited prayer of the petitioner is to direct the learned magistrate to recall the non bailable warrant issued against the petitioner in Crime No.978/2015 and to grant some more time to execute the bail bond.

3. I have heard the learned counsel for the petitioner and also the learned Public Prosecutor.

4. Taking note of the limited prayer sought for by the petitioner and in view of the facts and circumstances of the instant case as submitted by the learned counsel, I direct that the non bailable warrant issued as against the petitioner be kept in abeyance for a period of two weeks. In the mean time, the petitioner shall take necessary steps to furnish fresh

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sureties as ordered and to execute the bail bond to the satisfaction of the learned magistrate.

The Criminal Miscellaneous Case is disposed of.

Sd/-

**RAJA VIJAYARAGHAVAN V,
JUDGE.**

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[True copy]

P.A to Judge