

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 6TH DAY OF OCTOBER 2015/14TH ASWINA, 1937

Crl.MC.No. 6300 of 2015 ()

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CMP. NO.2563/2015 OF JUDICIAL FIRST CLASS MAGISTRATE COURT,
KUTHUPARAMBA.**

CRIME NO. 283/2015 OF MALUR POLICE STATION, KANNUR.

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PETITIONER/PETITIONER:

**K. KHADER, S/O.MOIDEEN,
"SAJIDA MANZIL", SIVAPURAM,
SIVAPURAM AMSOM, THALASSERY TALUK.**

**BY ADVS.SRI.K.V.PAVITHRAN,
SRI.JAYANANDAN MADAYI PUTHIYAVEETIL,
SRI.P.SAJU,
SRI.NIAS MOOPAN.**

RESPONDENTS/RESPONDENTS:

**1. STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA AT ERNAKULAM.**

**2. S.H.O.,
MALUR POLICE STATION, KANNUR,
REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA AT ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT.SAREENA GEORGE.

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 06-10-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

Crl.MC.No. 6300 of 2015

APPENDIX

PETITIONER'S ANNEXURES:-

**ANNEXURE A CERTIFIED COPY OF THE ORDER OF THE JFCM,
KUTHUPARAMBA IN CMP. NO.2563/2015 IN
CRIME NO.283/2015 OF MALUR POLICE STATION.**

RESPONDENT'S ANNEXURES:- NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

B. KEMAL PASHA, J.

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Crl.M.C. No.6300 of 2015 G
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Dated this the 6th day of October, 2015

ORDER

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Petitioner is the accused in Crime No.283/2015 of Malur Police Station, Kannur district. It is alleged that while the petitioner was loading his car bearing registration No.KL-58A-766 with 2225 gelatin sticks on 20.08.2015 at the courtyard of the house of the petitioner's daughter, the same was seized and the crime was registered. Subsequently, the petitioner was enlarged on bail.

2. The petitioner has approached the court below under Section 451 Cr.P.C. for getting his car bearing registration No.KL-58A-766 released to his interim custody. The court below has dismissed the said petition filed as C.M.P No.2563/2015 through Annexure-A order on the ground that if the vehicle is released at this stage, there would be every chance for using the vehicle for committing

similar nature of offences.

3. The said observation is clearly unfounded. The petitioner has no criminal antecedents on his part. The petitioner has produced his quarrying licence, the licence from Mining and Geology Department as well as the licence under the Explosive Substance Act. According to the petitioner, he was about to remove the said gelatin sticks to his quarry for quarrying operations and it was at that time, the same were seized. This court is not making any observations with regard to the merits or otherwise of the allegations against the petitioner for inviting the offences alleged against him. At the same time, considering the various licences being possessed by the petitioner, it can be seen that there is nothing wrong in releasing the car to the interim custody of the petitioner.

3. Matters being so, Annexure-A order is quashed. C.M.P. No.2563/2015 of the court below in Crime No.283/2015 of Malur Police Station has been allowed. The

vehicle is ordered to be released to the interim custody of the petitioner on the following terms and conditions:

(i) *The petitioner shall execute a bond for ₹12 lakhs with two solvent sureties for the like sum each to the satisfaction of the court below.*

(ii) *The petitioner shall produce the car as and when called for by the investigating officer or any of the courts relating to the matter.*

(iii) *The petitioner shall not transfer or alienate the vehicle till the final disposal of the case.*

(iv) *The petitioner shall not make use of the vehicle for any illegal purpose.*

CrI.M.C. is disposed of as above.

Sd/-
(B.KEMAL PASHA, JUDGE)

aks/06/10

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PA to Judge