

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 24TH DAY OF FEBRUARY 2015/5TH PHALGUNA, 1936

CrI.MC.No. 5877 of 2014 ()

IN ST 1867/2014 of J.M.F.C., ADOOR

PETITIONER(S)/ACCUSED:

- 1. RAJAN J THOMAS AGED 43 YEARS
S/O.J.THOMAS, NJARAKAL HOUSE, MANAKALA PO
ADOOR TALUK, PATHANAMTHITTA DISTRICT 691 551**
- 2. VALSAMMA THOMAS AGED 63 YEARS
W/O.LATE THOMAS, NJARAKAL HOUSE, MANAKALA PO
ADOOR TALUK, PATHANAMTHITTA DISTRICT 691 551**
- 3. SAJAN.J.THOMAS AGED 41 YEARS
S/O.J.THOMAS, NJARAKAL HOUSE, MANAKALA PO
ADOOR TALUK, PATHANAMTHITTA DISTRICT 691 551**

BY ADV. SRI.G.SREEKUMAR (CHELUR)

RESPONDENT(S)/STATE OF KERALA:

- 1. THE STATE OF KERALA
THROUGH THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM 682 031**
- 2. MATHEW THOMAS, AGED 64 YEARS
S/O.M.M.THOMAS, MANNIKAROTHU HOUSE, KAITHAPARAMPU PO
ADOOR TALUK, PATHANAMTHITTA DISTRICT 691 526**
- 3. JOHN THOMAS, AGED 54 YEARS
S/O..M.M.THOMAS, MANNIKAROTHU HOUSE, KAITHAPARAMPU PO
ADOOR TALUK, PATHANAMTHITTA DISTRICT 691 526**

**R2-3 BY ADV. SRI.P.VIJAYAKUMAR
BY ADV. SRI.C.R.REGHUNATHAN
BY ADV. SRI.M.V.ASHIM
BY ADV. SRI.R.BALAKRISHNAN
BY ADV. SRI.B.HARRYLAL**

R1 BY PUBLIC PROSECUTOR SMT. SAREENA GEORGE. P

**THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 24-02-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

ANNEXURE 1 A COPY OF THE SETTLEMENT AGREEMENT ENTERED INTO BY THE 2ND AND 3RD RESPONDENTS AND THE PETITIONERS AND OTHERS IN BA 6570/2012 DATED 6/2/2013 OF THIS HON'BLE COURT

ANNEXURE 11 COPY OF THE COMPLAINT IN ST NO.1881/2014 DATED 11/4/2014 ON THE FILE OF THE JFCM,ADOOR

ANNEXURE 111 COPY OF THE COMPLAINT IN ST NO.1913/2014 DATED 11/4/2014 ON THE FILE OF THE JFCM,ADOOR

ANNEXURE 1V COPY OF THE COMPLAINT IN ST NO. 1867/2014 DATED 11/4/2014 ON THE FILE OF THE JFCM,ADOOR

ANNEXURE V COPY OF THE COMPLAINT IN ST NO. 1874/2014 DATED 11/4/2014 ON THE FILE OF THE JFCM,ADOOR

ANNEXURE VI COPY OF THE COMPLAINT IN ST NO.1919/2014 DATED 11/4/2014 ON THE FILE OF THE JFCM,ADOOR

ANNEXURE VII COPY OF THE COMPLAINT IN ST NO. 1882/2014 DATED 11/4/2014 ON THE FILE OF THE JFCM,ADOOR

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

PATO JUDGE
sab

P.UBAID, J.

Crl. M.C No. 5877 of 2014

Dated this the 24th day of February, 2015.

O R D E R

The petitioners are involved as accused in so many prosecutions under Section 138 of the Negotiable Instruments Act before the Judicial First Class Magistrate Court, Adoor. Now warrant of arrest is pending against them in all these cases. They want to surrender before the learned Magistrate and make application for bail. Of course, the offence is bailable. But they apprehend that the learned Magistrate may insist on production of different set of sureties in each case. Accordingly, they seek a direction from this court under Section 482 Cr.P.C to the learned Magistrate not to insist on the production of individual sureties in all the cases. This court called for a report from the learned Magistrate in view of such an allegation. There is clear report by the learned Magistrate that only the solvency of sureties will be verified when bail is granted and that there is no practice in the said court of insisting separate sureties in each case when a person

is involved as accused in more than one case. This report can be recorded. The petitioners will have to surrender before the learned Magistrate and make application for bail. Let appropriate decision be taken by the learned Magistrate in the matter of bail.

With these observations this Crl.M.C is closed.

P.UBAID,
JUDGE

sab