

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 6TH DAY OF FEBRUARY 2015/17TH MAGHA, 1936

Crl.MC.No. 5951 of 2014 ()

PETITIONER(S):

**ASOKAN O AGED 53 YEARS
S/O. LATE APPU, ODOLATH, MADTHIL THODIKAYIL
THAZHEKKODE AMSOM, MANASSERI DESOM, KOZHIKODE TALUK.**

**BY ADVS.SRI.MANJERI SUNDER RAJ
SRI.M.SANJEEVE**

RESPONDENT(S):

**STATE OF KERALA
REPRESENTED BY STATION HOUSE OFFICER
MEDICAL COLLEGE P.S, MEDICAL COLLEGE P.O.
CALICUT - 673 008. REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.**

R BY PUBLIC PROSECUTOR SMT. P. MAYA

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 06-02-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

sab

P.UBAID, J.

Crl. M.C No. 5951 of 2014

Dated this the 6th day of February, 2015.

O R D E R

The petitioner herein is the registered owner of a vehicle involved in a crime registered by the Medical College Police Kozhikode. The said vehicle was released to him by the learned Judicial First Class Magistrate, Kunnamkulam under Section 451 Cr.P.C on certain conditions. The petitioner is aggrieved by the onerous conditions imposed by the learned Magistrate, and those conditions are sought to be set aside. One objectionable condition is that the petitioner shall make cash deposit of 30% of the value of the vehicle assessed by the Motor Vehicle Inspector, and the other condition is that the petitioner shall furnish bank guarantee for the balance amount. There is yet another direction to produce the original title deed. It is not known why those stringent and onerous conditions are imposed. This court has settled the legal position that in such cases the Magistrate can impose reasonable conditions to ensure production of the properties in court. In this case I feel the necessity of some interference in the interest of justice. Cash deposit of some reasonable amount, and also execution of a bond will suffice in the

present circumstances. The petitioner will have to execute a bond with one solvent surety, and he will also have to deposit 20% of the value of the vehicle.

In the result, this petition is allowed in part. The condition directing deposit of 30% of the value of the vehicle, imposed by the court below as per the order dated 7.7.2014 in C.M.P No.3056 of 2014 will stand modified that 20% of the value of the vehicle shall be deposited by the petitioner as cash security, and the other condition directing the petitioner to furnish bank guarantee and to produce title deed will stand set aside. However, there shall be a further condition that the petitioner shall execute a bond with one solvent surety for the balance amount.

P.UBAID,
JUDGE

sab