

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

**PRESENT:**

**THE HONOURABLE MR. JUSTICE B.KEMAL PASHA**

**WEDNESDAY, THE 18TH DAY OF NOVEMBER 2015/27TH KARTHIKA, 1937**

**Crl.MC.No. 7283 of 2015 ()**

**CMP.NO. 4500/2015 OF JUDICIAL FIRST CLASS MAGISTRATE, MALAPPURAM  
CRIME NO. 398/2015 OF KOTTAKKAL POLICE STATION , MALAPPURAM DISTRICT**

**PETITIONER/PETITIONER:**

**ASHIQ, S/O.BEERAN KUTTY,  
EDAKKANDATHIL HOUSE, PUTHUPPARAMBA (P.O),  
EDARIKKODE VILLAGE, TIRURANGADI TALUK,  
MALAPPURAM DISTRICT.**

**BY ADV. SRI.P.K.MOHAMED JAMEEL**

**RESPONDENT(S)/RESPONDENTS/COMPLAINANTS:**

- 1. STATE OF KERALA,  
REPRESENTED BY PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA, ERNAKULAM- 682 031.**
- 2. THE STATION HOUSE OFFICER,  
KOTTAKKAL POLICE STATION, MALAPPURAM DISTRICT.**

**BY PUBLIC PROSECUTOR SMT. SAREENA GEORGE**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION  
ON 18-11-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

**sts**

**Crl.MC.No. 7283 of 2015 ()**  
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**APPENDIX**

**PETITIONER(S)' ANNEXURES:**  
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**ANNEX.I - CERTIFIED COPY OF THE ORDER IN CMP.4500/2015 DATED 07.10.2015  
OF JUDICIAL FIRST CLASS MAGISTRATE COURT, MALAPPURAM.**

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

**P.S.TO JUDGE**

**sts**

**B. KEMAL PASHA, J.**

.....  
CRL.M.C. No. 7283 of 2015  
.....

Dated this the 18<sup>th</sup> day of November, 2015

**ORDER**

Annexure 1 order passed by the court below under Section 457 Cr.P.C. is under challenge.

2. The value of the vehicle involved is ₹80,000/-. The court below has rightly directed the petitioner to deposit an amount of ₹24,000/-, being 30% of the value of the vehicle. As far as the remaining portion is concerned, it seems that the court below has ordered the production of bank guarantee for ₹56,000/-. This Court is of the view that the order passed by the court below, with regard to the bank guarantee for such an amount, is harsh. The petitioner is permitted to offer his property or that of his sureties, as security for the said amount of ₹56,000/-.

The court below shall permit the petitioner to offer such security by way of property for ₹56,000/-. With the said direction this CrL.M.C. is disposed of.

**Sd/- B.KEMAL PASHA, JUDGE**

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[True copy]

P.S. to Judge