

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

MONDAY, THE 12TH DAY OF JANUARY 2015/22ND POUSHA, 1936

Cr1.MC.No. 6746 of 2014

AGAINST THE ORDER IN C.M.P 9557/2014 OF THE JUDICIAL FIRST CLASS
MAGISTRATE COURT, MALAPPURAM DATED 11-11-2014
CRIME NO. 442/2014 OF VAZHAKKAD POLICE STATION, MALAPPURAM

PETITIONER/PETITIONER:

MUJEEB,
S/O.UNNIMATHU, ODUPARAKKAL HOUSE,
KODIYATHUR,
KOZHIKKODE DT.

BY ADV. SRI.T.K.AJITH KUMAR

RESPONDENT/RESPONDENT:

STATE OF KERALA
REPRESENTED BY S.I OF POLICE, VAZHAKKAD,
MALAPPURAM DT. REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SMT.S.HYMA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 12-01-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Cr1.MC.No. 6746 of 2014

APPENDIX

PETITIONER'S ANNEXURES:

ANNEXURE A: COPY OF THE ORDER DATED 11/11/2014 PASSED BY THE
JUDICIAL FIRST CLASS MAGISTRATE COURT, MALAPPURAM IN
CMP.NO.9557/2014.

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.6746 of 2014

Dated this the 12th day of January, 2015

O R D E R

The petitioner herein is aggrieved by the conditions imposed by the learned Judicial First Class Magistrate, Malappuram for release of his vehicle under Section 457 of the Code of Criminal Procedure. ₹1,50,000/- was assessed as the total value of the vehicle during the proceeding. He is directed by the learned Magistrate to execute a bond for ₹ 1,50,000/- with two solvent sureties, to make deposit of ₹ 45,000/- in court, and also to produce bank guarantee for the balance amount of ₹1,05,000/-. He is aggrieved by the conditions directing production of bank guarantee and cash deposit. It appears that the latest decision of this Court on the point has not come to the notice of the learned Magistrate. This Court has settled that in such cases the conditions imposed under Section 451 Cr.P.C shall not be irrational.

2. On a consideration of the facts and circumstances, I feel that the third condition directing production of bank guarantee can be set aside, because the other

conditions will serve the purpose. As regards the other conditions, I do not find any scope for interference.

In the result, this Criminal Miscellaneous Case is allowed in part. The third condition imposed by the court below as per order dated 11.11.2014 in C.M.P No.9557/2014 directing the petitioner to produce bank guarantee will stand set aside.

**P.UBAID
JUDGE**

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