

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

Crl.MC.No. 7154 of 2014 ()

AGAINST THE ORDER IN CMP 10899/2014 of J.M.F.C.,MALAPPURAM

PETITIONER(S)/PETITIONER:

SIDHIK
S/O.MAMMED, KAVUNGAL HOUSE, POTHATTIPARA
NEDIYIRUPPU, MALAPPURAM DISTRICT.

BY ADVS.SRI.BABU S. NAIR
SRI.K.RAKESH

RESPONDENT(S)/STATE AND COMPLAINANT:

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1. THE STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM, KOCHI-31.
 2. THE SUB INSPECTOR OF POLICE
VAZHAKKAD POLICE STATION, MALAPPURAM DISTRICT
PIN-673640.

R1 & R2 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:

Crl.MC.No. 7154 of 2014

APPENDIX

PETITIONER'S EXHIBITS

ANNEXURE A: TRUE COPY OF THE ORDER PASSED BY THE J.F.C.M., MALAPPURAM
IN C.M.P NO.10899/2014 DATED 27.11.2014

/TRUE COPY/

P.S TO JUDGE

P.UBAID, J.
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**Crl.M.C No.7154 of 2014**  
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Dated this the 12th January, 2015

ORDER

The petitioner herein is aggrieved by the conditions imposed by the learned Judicial First Class Magistrate, Malappuram for releasing his vehicle under Section 451 of the Code of Criminal Procedure. The value of the vehicle assessed during the proceeding is ₹ 1,30,000/- The petitioner is directed by the learned Magistrate to deposit ₹ 39,000/- and also to produce security by way of bank guarantee for ₹ 91,000/-. Of course, the third condition directing production of bank guarantee is in fact unreasonable and irrational. This Court has settled the legal position that the conditions imposed by the Magistrates in such matters shall be reasonable and rational. In the particular facts and circumstances of the case, I feel that direction to execute bond for the value of the vehicle and also to deposit a fraction of the value of the vehicle will serve the purpose. I feel that the amount of cash deposit also can be reasonably reduced to 25% of

the vehicle.

In the result, this petition is allowed. The 3rd condition imposed by the court as per the impugned order dated 27.11.2014 in C.M.P. No.10889 of 2014 will stand set aside. The second condition directing deposit will stand modified that 25% of the value of the vehicle shall be deposited by the petitioner.

**Sd/-
P.UBAID
JUDGE**

ma

/True copy/

P.S to Judge