

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE ASHOK MENON

TUESDAY, THE 12TH DAY OF MAY 2020 / 22ND VAISAKHA, 1942

CRL.MC.NO.2577 OF 2020

(AGAINST THE ORDER DATED 16.03.2020 IN C.M.P. NO.875/2020 IN  
CRIME NO. 1402/2019 OF ERNAKULAM TOWN SOUTH POLICE STATION ON  
THE FILE OF THE ADDITIONAL CHIEF JUDICIAL MAGISTRATE  
( E.O. ) , ERNAKULAM)

PETITIONER

JOSHY THOMAS, S/O. THOMAS, AGED 36,  
THUNDATHIL( H) , KARIVEDAKAM P.O. ,  
CHENGALA VILLAGE, KASARGOD, KERALA

BY ADV.MOHAMED SABAH P

RESPONDENTS

1. STATE OF KERALA  
REPRESENTED BY PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA, ERNAKULAM-682031.
2. THE STATION HOUSE OFFICER,  
ERNAKULAM TOWN SOUTH POLICE STATION,  
ERNAKULAM DISTRICT -682015.

R1-R2 BY PUBLIC PROSECUTOR SRI.AMJAD ALI

THIS CRIMINAL MC HAVING COME UP FOR ADMISSION ON 12.05.2020,  
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**ASHOK MENON, J.**

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**Cr1.MC No.2577 of 2020**  
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**Dated this the 12<sup>th</sup> day of May, 2020**

**O R D E R**

The petitioner seeks modification of condition No.1 and to set aside condition No.2 imposed by the trial court in Annexure 2, wherein he was permitted to go abroad and his passport was directed to be released on payment of cash security of Rs.2,00,000/-. The petitioner is one of the accused facing a charge for allegedly committing offences punishable under Sections 406 and 420 r/w Section 34 of the IPC. The petitioner states that he has got about Rs.42 lakhs in his deposit, which lies frozen by the order of the Court. The amount which is lying in his deposit definitely may have to be distributed among the persons who have been cheated, in case the prosecution succeeds. Therefore, the petitioner cannot be asked to take out money from that amount to pay the security. The security amount insisted is to ensure that he is going to appear before the court for trial after going abroad.

2. The learned Public Prosecutor has very serious objections about the petitioner being released, however,

there is no challenge to the order of the court below granting him permission to go abroad under certain conditions. Therefore, I am not inclined to interfere with that order of the court below. The petitioner is directed to comply with that order of the court below and deposit the amount as directed.

The CrI.M.C is disposed as above.

**ASHOK MENON  
JUDGE**

*rmm*

APPENDIX

PETITIONERS' EXHIBITS

ANNEXURE 1 : TRUE COPY OF ORDER DATED 28.1.2020 INC.M.P. NO. 299/2020 ON THE FILE OF ADDITIONAL CHIEF JUDICIAL MAGISTRATE (E.O.), ERNAKULAM

ANNEXURE-2 : TRUE COPY THE ORDER DATED 16.03.2020 INC.M.P. NO.875/2020 ON THE FILE OF THE ADDITIONAL CHIEF JUDICIAL MAGISTRATE (E.O. ) , ERNAKULAM

ANNEXURE-3 -TRUE COPY OF STATEMENT OF ACCOUNT, FOR THE PERIOD 01.10.2019 TO 31.10.2019 PERTAINING TO ACCOUNT NO. 18230100020695 BELONGING TO THE PETITIONER, ISSUED BY THE FEDERAL BANK ,THELLAKOM BRANCH.

ANNEXURE-4 :TRUE COPY OF STATEMENT OF ACCOUNT, FOR THE PERIOD FROM 01.05.2019 TO 31.05.2019 PERTAINING TO ACCOUNT NO. 916020044686800 BELONGING TO THE PETITIONER, ISSUED BY THE AXIS BANK , ETTUMANOOR BRANCH.