

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.2601 OF 2020

[AGAINST THE ORDER IN C.M.P.NO.814/2020 DATED 06.05.2020
PASSED BY THE JUDICIAL FIRST CLASS MAGISTRATE COURT,
KALAMASSERY)

PETITIONER/PETITIONER:

C.M.GIBIN, AGED 34 YEARS, S/O.C.P.MUHAMMED,
CHERUPURATH HOUSE, IRUMALAPADY BHAGAM,
KUTTILANJIKARA, ERAMALLOOR VILLAGE,
ERAMALLOOR.P.O., KOTHAMANGALAM,
ERNAKULAM DISTRICT, PIN-686671.

BY ADVOCATES DINESH MATHEW J.MURIKAN,
VINOD.S PILLAI, GAYATHRI MURALEEDHARAN,
SREELAKSHMI.R AND MOHAMMED THAYIB.N.M.

RESPONDENTS/RESPONDENTS:

1. STATE OF KERALA, REP.BY THE SUB INSPECTOR OF POLICE,
KALAMASSERY POLICE STATION, THROUGH THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM-682031.
2. NARGEES, AGED 59 YEARS, W/O.LIAKATH ALI,
TC 46/1467, AYSHA, MELARANNOOR, KARAMANA.P.O.,
THIRUVANANTHAPURAM DISTRICT, PIN-695002.

R1 BY PUBLIC PROSECUTOR SRI.C.S.HRITHWICK

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

ASHOK MENON, J.

CrI.MC No.2601 of 2020

Dated this the 12th day of May, 2020

O R D E R

Petitioner is the defacto complainant in Crime No.179/2020 of Kalamassery Police Station. A BMW 520D car bearing Regn.No.KL-01/CF-9798 belonging to the petitioner was seized and produced before the Judicial First Class Magistrate's Court, Kalamassery. The court below on the application filed by the petitioner under Section 451 Cr.PC ordered release of the vehicle on condition that the petitioner shall produce Bank Guarantee for Rs.50,00,000/-. Aggrieved by that condition, i.e. condition No.(2), the petitioner is before this Court. Considering the on-going pandemic COVID-19 situation, the petitioner has expressed his inability to produce Bank Guarantee for that amount.

2. Heard the learned counsel for the petitioner and the learned Public Prosecutor.

3. The specific condition No.(2) is hereby modified and the petitioner, in lieu of that, is directed to produce title deeds of the properties worth more than Rs.50,00,000/-. On production of such title deeds, the

vehicle shall be released. All other conditions shall remain unchanged.

The Criminal MC is disposed of as above.

**ASHOK MENON
JUDGE**

js

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APPENDIX

PETITIONERS' EXHIBITS

**ANNEXURE A1: TRUE COPY OF THE ORDER IN C.M.P.NO.814/2020
PASSED BY THE JUDICIAL FIRST CLASS MAGISTRATE COURT,
KALAMASSERY DATED 06.05.2020**