

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN

THURSDAY, THE 19<sup>TH</sup> DAY OF OCTOBER 2023 / 27<sup>TH</sup> ASWINA, 1945

OP(CRL.) NO. 808 OF 2023

AGAINST THE ORDER/JUDGMENT CRMP 2307/2021 OF JUDICIAL MAGISTRATE  
OF FIRST CLASS -I, CHENGANNUR

**PETITIONER(S) / PETITIONER:**

FORTUNE INTEGRATED ASSET FINANCE LIMITED  
KOTTAYAM BRANCH, REP. BY ITS PRESENT BRANCH MANAGER,  
NIJUMON K.S., AGED 37 YEARS, S/O. SASIKUMAR,  
KANGAZHAPARAMBU, CHANNANIKKADU P.O., KOTTAYAM,  
PIN - 686533

BY ADVS.

SABU S.KALLARAMOOLA

LEEJOY MATHEW.V.

SINDHU MATHEW

SEENA LIJO GEORGE

RAKESH LEO

SIMSAR UL HAQ K.Y

ABY GEORGE

**RESPONDENT(S) / COUNTER PETITIONER:**

1 STATE OF KERALA  
REPRESENTED BY THE PUBLIC PROSECUTOR, OFFICE OF THE  
ADVOCATE GENERAL, HIGH COURT BUILDINGS, ERNAKULAM,  
PIN - 682031

2 STATION HOUSE OFFICER  
CHENGANOOR POLICE STATION, CHENGANOOR, ALAPPUZHA,  
PIN - 689121

3 RAJAN T J  
THACHETH HOUSE, KOKKAPILLY P.O., THRUUVANIYOOR,  
PUTHENCROUZ, ERNAKULAM, PIN - 682305

BY ADV.SRI.RENJITH.T.R, PP

THIS OP (CRIMINAL) HAVING COME UP FOR ADMISSION ON  
19.10.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**P.V.KUNHIKRISHNAN, J.**

**O.P.(Crl.)No.808 of 2023**

**Dated this the 19<sup>th</sup> day of October, 2023**

## **JUDGMENT**

This Original Petition (Crl.) is filed with the following prayers:

"i). issue a direction directing the Judicial First Class Magistrate Court-I, Chenganoor to permit the petitioner company to execute bond of Rs. 8,00,000/- each with two solvent sureties in Ext.P2 to P9 orders, instead of sixteen sureties.

ii) issue such other and further orders or directions as this Hon' ble Court deem fit and proper."

2. Petitioner filed eight applications under Section 451 Cr.P.C to release the same vehicle involved in eight crimes before the Judicial First Class Magistrate Court-I, Chengannur. The learned

Magistrate allowed those applications as per Annexures 2 to 9 orders with a condition that the petitioner shall execute a bond for Rs.8 lakhs with two solvent sureties each for the like sum. The apprehension of the petitioner is that the learned Magistrate will insist for 16 sureties instead of two sureties who are ready to execute the bond in all these cases. Hence this O.P.(Crl.) is filed.

3. Heard the learned counsel appearing for the petitioner and the learned Public Prosecutor.

4. After hearing both sides, I think the apprehension on the side of the petitioner is without any basis in the facts and circumstances of this case. All these orders are passed by the same Magistrate to release the same vehicle. The same vehicle is involved in all the crimes. If two sureties are ready to execute the bond as directed in

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Annexures 2 to 9, the learned Magistrate will accept the same without insisting for separate sureties. But I make it clear that the sureties should execute separate bonds in all the cases.

With the above observation, this Original Petition (Crl.) is closed.

DM

Sd/-  
**P.V.KUNHIKRISHNAN**  
**JUDGE**

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**APPENDIX OF OP (CRL.) 808/2023**

PETITIONER ANNEXURES

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| ANNEXURE 1 | TRUE COPY OF FIR IN CRIME NO. 397/2021 OF CHENGANOOR POLICE STATION  |
| ANNEXURE 2 | TRUE COPY OF ORDER DATED 17/11/2021 IN C.M.P. NO. 2307/2021 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-I, CHENGANNUR IN CRIME NO. 397/2021 OF CHENGANOOR POLICE STATION          |
| ANNEXURE 3 | TRUE COPY OF THE ORDER DATED 21.01.2022 IN C.M.P. NO. 69/2021 IN CRIME NO. 475/2021 OF CHENGANNUR POLICE STATION PASSED BY JUDICIAL FIRST CLASS MAGISTRATE COURT-I, CHENGANNUR |
| ANNEXURE 4 | TRUE COPY OF THE ORDER DATED 21.01.2022 IN C.M.P. NO. 70/2021 IN CRIME NO. 705/2021 OF CHENGANNUR POLICE STATION PASSED BY JUDICIAL FIRST CLASS MAGISTRATE COURT-I, CHENGANNUR |
| ANNEXURE 5 | TRUE COPY OF THE ORDER DATED 21.01.2022 IN C.M.P. NO. 71/2021 IN CRIME NO. 479/2021 OF CHENGANNUR POLICE STATION PASSED BY JUDICIAL FIRST CLASS MAGISTRATE COURT-I, CHENGANNUR |
| ANNEXURE 6 | TRUE COPY OF THE ORDER DATED 21.01.2022 IN C.M.P. NO. 72/2021  |

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IN CRIME NO. 477/2021 OF  
CHENGANNUR POLICE STATION PASSED  
BY JUDICIAL FIRST CLASS MAGISTRATE  
COURT-I, CHENGANNUR

ANNEXURE 7 TRUE COPY OF THE ORDER DATED  
21.01.2022 IN C.M.P. NO. 73/2021  
IN CRIME NO. 474/2021 OF  
CHENGANNUR POLICE STATION PASSED  
BY JUDICIAL FIRST CLASS MAGISTRATE  
COURT-I, CHENGANNUR

ANNEXURE 8 TRUE COPY OF THE ORDER DATED  
21.01.2022 IN C.M.P. NO. 74/2021  
IN CRIME NO. 476/2021 OF  
CHENGANNUR POLICE STATION PASSED  
BY JUDICIAL FIRST CLASS MAGISTRATE  
COURT-I, CHENGANNUR

ANNEXURE 9 TRUE COPY OF THE ORDER DATED  
21.01.2022 IN C.M.P. NO. 75/2021  
IN CRIME NO. 535/2021 OF  
CHENGANNUR POLICE STATION PASSED  
BY JUDICIAL FIRST CLASS MAGISTRATE  
COURT-I, CHENGANNUR

RESPONDENTS EXHIBITS :NIL

//TRUE COPY// PA TO JUDGE