

**IN THE COURT OF THE SPECIAL JUDGE SPE/CBI – II,
ERNAKULAM**

Present:-

Shri. Kamanees K, Special Judge (SPE/CBI)-II

Tuesday, the 12th day of July, 2022 / 21st Ashadha, 1944

M.C No. 2/2020

in

CC No. 02/2012

Petitioners / Complainant:-

State of Kerala represented by CBI/ACB, Cochin.

By Sri. Bobby Joseph Y, Public Prosecutor, CBI

Respondents / Counter Petitioners No. 1 and 2 :-

- 1) S.M. Muhammed Kunhi, aged 57 years
S/o. Abdul Khader, residing at 50(2/162),
Povval, Muliya Village, Kasargode Taluk,
Kasargode District.
- 2) Sheik Mohammed Ashraf @
Mohammed Ashraf @ Ashraf
aged 43/2012, S/o. Abdulla @ Abdulla Sahab,
residing at 481,14, Bapaithotty, Uppala Village,
Kasargode Taluk, Kasargode District.

This petition having been heard on 12/07/2022 and the Court on the same day passed the following:-

ORDER

1) The counter petitioners Shri.S.M.Muhammed Kunhi and Shri.Sheik Mohammed Ashraf @ Mohammed Ashraf @ Ashraf have been constituted as sureties for the accused No. 19. As against the accused No.19, the bail bond stood cancelled after he was absconding. Later he appeared and obtained bail. The MC has been registered against his sureties.

2) It is now verified that the counter petitioners Shri. S.M.Muhammed Kunhi and Shri.Sheik Mohammed Ashraf (counter petitioners No. 1 and 2) had been served with due notice under section 446 Cr.PC on 08.12.2021. A report has been filed by the CBI as directed.

3) Despite the service of notice to show cause why the bail bond shall not get forfeited, the sureties did not appear. The bail amount is Rs. 2 lakhs each. It shall be presumed that the counter petitioners do not have any explanations to offer as to why the whole amount shall not get forfeited under section 446 Cr.PC.

4) Therefore it is ordered that the bail amount of Rs.2 lakhs each against both the sureties do not get forfeited herewith. The counter

petitioners 1 and 2 are directed to pay the forfeited amount of Rs.2 lakhs each as penalty for cancellation of bail. Distress warrant shall be issued against both the counter petitioners for realisation of such amounts. For return of distress warrant, call on 01.09.2022.

Dictated to the Confidential Asst., transcribed and typewritten by her, corrected and pronounced by me in open court on this the 12th day of July, 2022.

Sd/-
Kamanees K.
Special Judge (SPE/CBI)-II

APPENDIX:-NIL

Id/-
Special Judge (SPE/CBI)-II

// True copy //

(By Order)

Sheristadar

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M.C.No. 2/2020
in
C.C No. 02/2012
Order dated 12/07/2022