

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

Present:-

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

Tuesday, the 27th day of June, 2023 / 6th Ashadha, 1945

M.C No. 1/2022

in

C.C No. 02 / 2012

Petitioner / Complainant :-

State of Kerala represented by CBI/ACB, Cochin.

By Sri. Bobby Joseph Y, Public Prosecutor, CBI

Respondent / Counter petitioner / Surety No. 2 :-

Sheik Ismail
S/o. Imam Hussain,
House No. 221, Ward No. X,
Manimunda, Near Railway Station,
P.O. Uppala, Kasargode.

This petition having been heard on 27/06/2023 and the Court on the same day passed the following:-

ORDER

1) The counter petitioner Sri. Sheik Ismail had been surety No.2 for accused No.28. As the accused No.28 had absconded, proceedings u/Sec. 446 Cr.PC has been initiated against him.

2) The surety No.1 is reported as no more. The petitioner has filed a statement before the court stating that he came to know about the absconding when the bail bond stood cancelled and he was called upon to appear and show cause u/S. 446 Cr.PC. He contacted the accused and according to him, agreed to appear before the court.

3) However, accused No.30 has not appeared before the court despite process to compel his appearance including proclamation proceedings. It is reported that accused No.28 is now working in Australia and he is not available in the address given.

4) The petitioner states in the specimen that he is a casual labourer and lives in financial stringency and poverty. He prays that the proceedings against him to be dropped.

5) As I have stated above the accused has not appeared yet and this court finds that he has afraid from justice by migrating to another country. However, considering the age of the petitioner as well as his financial status in bail bond, some leniency can be given in the fine amount imposed.

6) The bail bond stands forfeited. The counter petitioner Sheik Ismail is ordered to pay an amount of Rs.25,000/- out of Rupees One lakh

which is the bail amount – the rest being remitted. In the failure of payment of fine, there will be simple imprisonment for one month. Issue distress warrant.

Dictated to the Confidential Asst., transcribed and typewritten by her, corrected and pronounced by me in open court on this the 27th day of June, 2023.

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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Compd by: skp

Order in
M.C.No. 1/2022
in
C.C No. 02/2012
Dated 27/06/2023