

**IN THE COURT OF THE JUDICIAL I CLASS MAGISTRATE,
KOLENCHERRY:**

**Present : Smt. Sirsha N A,
Judicial I Class Magistrate
Thursday the 19th day of September, 2024**

CMP No. 757 of 2024

In

CC No:117 of 2023

**Petitioner/
Accused :** Shahul Hameed, S/o. Muhammed, age 22/22,
Palopalathinkal House, Pezhackappilly,
Mulavoor Village.
(By Adv. K O Aleyas)

Respondent : State represented by the Sub Inspector of Police,
Kunnathunadu Police Station
(Crime No.246/22 of Kunnathunadu P.S.)

(By A.P.P. Gr. II.)

Offences : Under sections 454 and 380 r/w 34 of the IPC

Order : **CMP is allowed.**

This application having been finally heard on 19-09-2024 and the court on 19-09-2024 itself delivered the following:

ORDER

The petition is filed under Section 480 of BNSS. The petitioner is the accused in Crime No: 692/2024 of the Kunnathunadu Police Station. The offences alleged against the accused are punishable under sections 454 and 380 r/w 34 of the IPC.

2. The copy served. Objection filed.

3. Heard both sides.

4. On going through the materials on record, it is seen that formal arrest of the accused was conducted on 13.07.2022 and he was produced before the court on 21-07-2022 and remanded to judicial custody. Thereafter as per the order in CMP No: 949 of 2022, dated 12.08.2022 the accused was enlarged on bail and the order was executed on 25.08.2022 and release memo was issued .

On 30.07.2024 a petition was filed by the learned Assistant Public Prosecutor on behalf of the Investigating Officer to cancel the bail of the accused granted in this case for the reason that the accused has violated the bail condition and was involved in Crime No: 375/2024 under sections 392, 34 of the IPC. Hence as per the order in CMP No: 612 of 2024, dated 07.08.2024 bail granted to the accused was cancelled and the accused was remanded to judicial custody. Thereafter this petition is filed by the counsel of the accused seeking regular bail. He submitted that bail may be granted to the accused considering the period of detention undergone by him. Learned Assistant Public Prosecutor vehemently opposed the petition stating that the accused had violated the bail condition and he is not entitled for any leniency of the court. Considering the rival contentions on both sides, I think it is proper to allow the petition on imposing stringent conditions.

In the result, this application is allowed upon the following conditions:

- i) The petitioner shall execute a bond for ₹ 50,000/- (Rupees Fifty Thousand only) along with two solvent sureties each for the like sum.
- ii) The petitioner shall not commit any offence while on bail.
- iii) The petitioner must be present before the court on all posting dates.

It is made clear that in case of any violation of the above said conditions, the bail stands cancelled automatically.

(Dictated to the Confdl, Asst, transcribed and typed by her, corrected by me and pronounced in open court on this the 19th day of September, 2024)

**Sirsha N A,
Judicial First Class Magistrate
Kolenchery**