

**IN THE COURT OF SPECIAL ADDITIONAL CHIEF JUDICIAL
MAGISTRATE, THRISSUR**

Present: **Smt. Alpha Mamai K., Additional Chief Judicial Magistrate.**

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Dated, this the **18th** day of **November, 2025.**

CMP : 4183/2025 in CC 36/2019

Petitioner/Accused : Baby Jose, S/o. Joseph, Palliparambil House,
no:15 Njalakom Kara, Mudappalam Puthiyaroad
Bhagom, Thrikkakara North Village, Ernakulam.

(By Adv. Sri. Naveesh C.N.)

Respondent/
Complainant. : State represented by the Deputy Superintendent of
Police, Crime Branch, Ernakulam.

(Crime no. 564/2011 of Chavakkad Police
Station).

(CBCID Cr. 644/CR/EOW II/KTM/11).

(By Sri. Ananthakrishnan P.A., Assistant Public
Prosecutor, Court of Additional Chief Judicial
Magistrate, Thrissur.)

Petition : U/s. 437(3) of the Code of Criminal Procedure,
1973.

Order : Allowed.

ORDER

1. This is a petition filed by the accused no.15, in CC 36/2019, on the file of this court (Crime No: 564/2011 of Chavakkad Police Station), seeking to lift the

condition imposed on him while granting bail, and to release Rs. 50,000/-, deposited by him, while taking bail in the above case, on 13/01/2012.

2. Petition averments are, as follows:-

Petitioner is the accused no.15, in the above case. The offences alleged against the accused are under sections 406 and 420 r/w 34 of the Indian Penal Code and sections 4, 5 and 6 of the Prize Chits and Money Circulation Schemes (Banning) Act, 1978. The petitioner was arrested and remanded in connection with the above crime and, the petitioner was granted bail on conditions, and one condition was to deposit Rs. 50,000/-. The petitioner complied the condition and deposited the amount. Now the final report filed by the investigating agency, and the accused appearing before the court, regularly. The petitioner is a law abiding citizen and undertakes to continue to appear before the court as and when required, till the disposal of the case. The petitioner is facing severe financial hardships, which adversely affects his ability to effectively defend himself, in the present case. The continued retention of the bail deposit, is causing undue prejudice and hardships to the petitioner. Hence, seeks to lift the condition imposed on the petitioner while granting bail and order release of Rs. 50,000/-, deposited on 13/01/2012, in the interest of justice.

3. The Detective Inspector III, State Crime Branch Thrissur, filed report objecting the petition, through the learned Assistant Public Prosecutor, stating that, if bail condition is relaxed and amount released, there is likelihood of accused not appearing before the court at the time of trial and moreover if amount is released, it will sent a wrong message to the society.

4. Heard both sides.

5. CC 36/2019 is a case based on the final report filed by the Deputy Superintendent of Police, Crime Branch, Ernakulam against accused sixteen in numbers alleging offences punishable under sections 120B, 406, 420 r/w 34 of the Indian Penal Code and sections 4, 5 and 6 of the Prize Chits and Money Circulation Schemes (Banning) Act, 1978. Though the First Information Report registered in the year 2011, the final report was filed only in the year 2019, and even though final report filed in the year 2019, only recently charges framed. Examination of witnesses not started so far. Accused/petitioner regularly appearing before the court. Moreover, after filing of final report, petitioner again executed bail bond on 07/12/2019. Hence, there is no necessity to retain the cash security of Rs. 50,000/-, deposited while executing bail bond on 13/01/2012.

6. Hence, considering all these facts, the amount of Rs. 50,000/- (Rupees Fifty thousand only) deposited by the petitioner as cash security, while executing bail bond during crime stage, on 13/01/2012, is ordered to be released to the petitioner, on proper acknowledgment.

7. Hence, petition allowed.

(Dictated to the Confidential Assistant, typed by her directly to the computer, corrected and pronounced by me in open court on this, the 18th day of November, 2025).

Sd/-

Additional Chief Judicial Magistrate,
Thrissur.