



2025:KER:17607

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE A. BADHARUDEEN

MONDAY, THE 3<sup>RD</sup> DAY OF MARCH 2025 / 12TH PHALGUNA, 1946

CRL.MC NO. 5631 OF 2022

CRIME NO.606/2020 OF MARADU POLICE STATION, ERNAKULAM

AGAINST THE ORDER DATED 10.08.2022 IN C.M.P. NO.2442/2022 IN C.C. NO.95 OF 2022

ON THE FILES OF THE JUDICIAL FIRST CLASS MAGISTRATE - VIII, ERNAKULAM

PETITIONER/PETITIONER/DEFACTO COMPLAINANT:

PREETHA RADHAKRISHNAN

AGED 47 YEARS

W/O.RADHAKRISHNANKANDOTH, KALHARAM KANDOTH, PATTUPURACKAL ROAD,  
THEKKUMBHAGAM, THRIPIUNITHURA, ERNAKULAM DISTRICT, PIN - 682301

BY ADV VIVEK VENUGOPAL

RESPONDENTS/RESPONDENT/STATE & 1ST ACCUSED:

1 STATE OF KERALA  
REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM,  
PIN - 682031

2 C.K. VIJAYAN  
AGED 58 YEARS  
S/O. KRISHNANKUTTY, FLAT NO.6A, VIJAYA GLIMPSES, JAWAHAR NAGAR,  
KADAVANTHRA, ERNAKULAM, KOCHI, PIN - 682020

BY ADVS.  
PUBLIC PROSECUTOR  
BENNY JOSEPH  
M.B.SANDEEP(K/796/2006)  
PP - JIBU T S

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 18.02.2025, ALONG  
WITH CRL.MC.5639/2022, THE COURT ON 03.03.2025 PASSED THE FOLLOWING:



**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT**

**THE HONOURABLE MR. JUSTICE A. BADHARUDEEN**

**MONDAY, THE 3<sup>RD</sup> DAY OF MARCH 2025 / 12TH PHALGUNA, 1946**

**CRL.MC NO. 5639 OF 2022**

**CRIME NO.606/2020 OF MARADU POLICE STATION, ERNAKULAM**

**AGAINST THE ORDER DATED 10.08.2022 IN C.M.P. NO.2442/2022 IN C.C. NO.95 OF  
2022 ON THE FILES OF THE JUDICIAL FIRST CLASS MAGISTRATE - VIII, ERNAKULAM**

**PETITIONER/ACCUSED NOS.2 AND 3:**

- 1 SALINI VIJAYAN  
AGED 48 YEARS  
FLAT-6A, VIJAYA GLIMPSES, JAWAHAR NAGAR, KADAVANTHARA,  
ELAMKULAM VILLAGE, PIN - 682020**
  - 2 SAIRA THAMPI KRISHNA  
AGED 54 YEARS  
FLAT-7A, VIJAYA GLIMPSES, JAWAHAR NAGAR, KADAVANTHARA,  
ELAMKULAM VILLAGE, PIN - 682020**
- BY ADVS.  
BENNY JOSEPH  
M.B.SANDEEP(K/796/2006)**

**RESPONDENTS/COMPLAINANT:**

- 1 STATE OF KERALA  
REPRESENTED BY SUB INSPECTOR OF POLICE, MARADU POLICE STATION  
IN CRIME NO. 606/2020 THROUGH THE PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA, ERNAKULAM, PIN - 682031**
  - 2 PREETHA RADHAKRISHNAN  
AGED 47 YEARS  
KANDOTH, KALHARAM KANDOTH, PATTUPURACKAL ROAD, THEKKUMBHAGOM,  
TRIPUNITHURA, PIN - 682301**
- BY ADV VIVEK VENUGOPAL**

**THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON  
18.02.2025, ALONG WITH CRL.MC.5631/2022, THE COURT ON 03.03.2025  
PASSED THE FOLLOWING:**

**“C.R”****COMMON ORDER****Dated this the 3<sup>rd</sup> day of March, 2025**

Crl.M.C. No.5631 of 2022 has been filed under Section 482 of the Code of Criminal Procedure, 1973 [hereinafter referred as ‘Cr.P.C’ for short], at the instance of the defacto complainant in C.C. No.95/2022 on the files of the Judicial First Class Magistrate Court-VIII, Ernakulam, arose out of Crime No.606/2020 of Maradu Police Station, challenging the order in C.M.P. No.2442 of 2022 dated 10.08.2022, whereby the learned Magistrate disallowed the prayer to cancel the bail granted to the 1<sup>st</sup> accused in the above case. The respondents herein are the State represented by the learned Public Prosecutor and the 1<sup>st</sup> accused in the above case.

2. Crl.M.C. No.5639 of 2022 is at the instance of accused Nos.2 and 3, challenging the same order, whereby their bail was cancelled by the learned Magistrate on finding violation of bail conditions. The respondents herein are the State and the defacto complainant in the above case.



3. The parties will be referred as 'prosecution', 'accused' and 'defacto complainant', for convenience.

4. Heard the learned counsel for the defacto complainant and accused and also the learned Public Prosecutor, in detail. Perused the records and relevant materials available.

5. Tracing yesteryear of this case, as on 02.11.2020, accused Nos.1 to 3 in Crime No.606 of 2020 of Maradu Police Station, Ernakulam (later the investigation was taken over by the Crime Branch and the crime number got changed as Crime No.145/CBEOW/EKM/2023), were granted regular bail by this Court, by allowing B.A. Nos.6695 and 6714 of 2020 by common order dated 02.11.2020, by imposing stringent conditions. At the time of granting of bail to accused Nos.1 to 3, the conditions imposed by this Court are as under:

*(i) They shall surrender their passport before the jurisdictional court and shall not go abroad without permission of the court. In case they do not have a passport, they shall file an affidavit to that effect.*

*(ii) They shall appear before the*



*investigating officer on all Mondays between 9 a.m. and 12 noon for a period of two months or till the filing of the final report, whichever is earlier.*

*(iii) They shall produce all documents, which are called upon to be produced by the investigating officer.*

*(iv) They shall not get involved in similar cases during the pendency of the bail,*

*(v) They shall not tamper with evidence, intimidate or influence the witnesses .*

6. According to the defacto complainant, who filed C.M.P. No.2442/2022 in C.C. No.95/2022 under Section 439(2) of Cr.P.C. before the trial court to cancel the bail granted to the accused, though the accused executed bail bonds and continued on bail, they failed to comply condition Nos.1 and 4 of the bail order of this Court. The trial court, in fact, given much emphasis to violation of condition No.1 and accordingly bail granted to accused Nos. 2 and 3 was cancelled. But, the trial court did not cancel the bail granted to the 1<sup>st</sup> accused, noticing that the 1<sup>st</sup> accused surrendered his passport in obedience to the direction of this Court. Though, the 1<sup>st</sup> accused got released



his passport for a short visit to Dubai for business purpose and the passport was released with direction to surrender the same on 28.03.2021, the 1<sup>st</sup> accused surrendered the passport on that day itself.

7. While justifying the order of the trial court, whereby the bail granted to accused Nos. 2 and 3 was cancelled by the learned Magistrate and impeaching the veracity of the findings entered by the trial court while disallowing the prayer to cancel the bail granted to the 1<sup>st</sup> accused on finding violation of bail conditions, the learned counsel for the defacto complainant argued that in paragraph No.12 of Annexure.7 order in CrI.M.C. No.5631 of 2022 itself, the learned Magistrate found that the passport surrendered by the 1<sup>st</sup> accused in tune with the direction in the bail order of this Court was released as per the order dated 06.03.2021, for a short visit to Dubai for business purpose with specific direction that he should surrender the same on 28.03.2021 and he should not take up employment/employment residence in any foreign country without permission of the Court. In violation of this direction, the 1<sup>st</sup> accused applied for residence/employment



visa. But, the learned Magistrate was not inclined to cancel the bail on the finding that 1<sup>st</sup> accused had duly surrendered his passport on 28.03.2021. It is pointed out by the learned counsel for the defacto complainant further that, in fact, applying for a residence/employment visa and getting visa stamped for the said purpose for three years, as could be seen from Annexure.5 in Crl.M.C. No.5631/2022 (page No.35) would show that the 1<sup>st</sup> accused also violated condition No.5 of Annexure.3 order dated 06.03.2021 in C.M.P. No.422/2021. Therefore, the bail granted to the 1<sup>st</sup> accused also is liable to be cancelled by allowing Crl.M.C. No.5631/2022.

8. The learned counsel for the defacto complainant also pointed out the subsequent acts at the instance of the accused persons by forging records and filing application before the State Bank of India to change the name of the Company excluding the defacto complainant, who also is one among the Directors, having 34% of share, referring to Annexures.R2(c), (d), (e) and (f) in Crl.M.C. No.5639/2022.

9. While resisting the contentions raised by the learned counsel for the defacto complainant, it is pointed



out by the learned counsel for accused Nos.1 to 3 that, though visa was stamped for a period of three years, when the 1<sup>st</sup> accused visited Dubai, when he was given permission to go abroad for business purpose by the trial court as per the order dated 06.03.2021 in C.M.P. No.422/2021, that was not an employment visa and the same was obtained only for doing partnership business and not otherwise. Therefore, there is no violation of bail conditions, even otherwise. Thus, the learned Magistrate is right in negating the bail cancellation plea at the instance of the defacto complainant, insofar as the 1<sup>st</sup> accused is concerned.

10. Inasmuch as the allegation as to violation of condition No.4 in the order dated 02.11.2020 in B.A. Nos.6695 and 6714 of 2020, that the accused should not get involved in similar cases during the pendency of the bail, it is pointed out by the learned counsel for the accused that, even though as per Annexure.R2(i) in CrI.M.C. No.5639/2020, FIR was registered on 23.12.2021 as against the accused herein, the same was pertaining to offences alleged to be committed during the period between





04.05.2019 to 04.11.2019. Therefore, the same could not be considered as a subsequent crime in violation of condition No.4 of the bail order of this Court. If the allegations are taken as true, then also the offences alleged were committed by the accused prior to grant of bail to the accused on 02.11.2020 by this Court. According to the learned counsel for the accused, it is true that accused Nos.2 and 3 failed to surrender their passports as per condition No.1 of the order of this Court and that would show violation of condition No.1, they surrendered their passport on getting notice in C.M.P. No.2442/2022 in C.C. No.95/2022 filed on 01.06.2022. In this case, the trial court found violation of bail condition No.1 by accused Nos.2 and 3 and also found no absolute violation of bail condition by the 1<sup>st</sup> accused as stated in paragraph Nos. 9 to 12 of the order dated 10.08.2022 in C.M.P. No.2442/2022 in C.C. No.95/2022.

11. Now, the questions arise for consideration are, whether the learned Magistrate is justified in canceling the bail of accused Nos.2 and 3 on finding violation of bail order granted by this Court? and whether the learned Magistrate



went wrong in dismissing the application filed by the defacto complainant seeking cancellation of bail granted to the 1<sup>st</sup> accused?

12. In this matter, Crime No.606 of 2020 of Maradu Police Station was registered alleging commission of offences punishable under Sections 120B, 406, 420, 468 and 471 of IPC against accused Nos.1 to 3 and the prosecution allegation is that, the accused had started a company by name M/s Statice Hotels Private Ltd incorporated in the year 16.02.2010 with the accused as directors. The company was started in the year 2005 and subsequently, the name was altered to Lokanta Hotels and Resorts Private Ltd. The 1<sup>st</sup> accused was the Managing Director and the other accused were the directors. The company was started mainly with the object of starting hotels and was engaged in the business of hospitality and real estate business. The company also purchased land in Maradu Village adjoining the Edappally Aroor Bye pass near Vyttila in the year 2011. The company allegedly obtained permission to start a four star hotel in the property having built up area of 18250 sq.ft and the construction of the



hotel complex was started in the year 2018 and was also completed. Due to paucity of funds, to start the business, the defacto complainant and her husband Sri Radhakrishnan Kandoth, who is an NRI, offered to invest money in the company in the year 2018. Accordingly, the defacto complainant through her husband invested about 11.53 crores. The prosecution allegation is that the 1<sup>st</sup> accused had resigned from the directorship of the company on 16.09.2018 and having resigned from the directorship of the company, he concealed that fact and induced the defacto complainant and her husband to invest money as per the MOU which was entered on 08.10.2018. The circumstances being so, the 1<sup>st</sup> accused had the deceitful intention to deceive the defacto complainant and her husband from the very inception and despite his resignation from the company, he had received the amount which was transferred. It is also further contended that as early as on 01.11.2017, accused Nos.2 and 3, who are the wife of the 1<sup>st</sup> accused and his sister in law, were disqualified for their illegal practices. Under the circumstances, all the three accused entered into conspiracy to deceive the defacto



complainant and her husband and induced them to invest huge amount of money. It is also submitted that the defacto complainant was initially offered 31.26% of the shares of the company but was actually given only 9.7% of the shares. In the MOU also there was an understanding that 34% of the shares would be transferred into her name which actually never acted upon. Later, the accused were released on bail by imposing conditions as extracted above.

13. Therefore, the allegation against the accused are serious and thereby this Court granted bail by imposing stringent conditions, specifically with direction to the accused persons to surrender their passports before the Jurisdictional Court and shall not go abroad without permission of the Court. Further, the accused persons were directed to surrender their passports and in case they did not have passports, they were directed to file affidavit to that effect, as condition No.1.

14. In the instant case, at the time of granting bail by this Court as per the common order dated 02.11.2020, accused Nos.1 to 3 were having valid passports as could be gathered from the passports they already surrendered



before the trial court. Therefore, the question of filing of affidavits did not arise. But the question is whether there is willful violation of condition No.1 of the order of this Court by accused Nos.1 to 3?

15. It is not in dispute that, the 1<sup>st</sup> accused surrendered his passport in obedience of condition No.1 in the bail order of this Court and subsequently got the same released for the purpose of going for a short visit to Dubai for business purpose. But, accused Nos. 2 and 3 failed to surrender their passports in obedience to condition No.1 in the bail order. It is not in dispute further that, accused Nos.2 and 3 surrendered their passports only on getting notice in C.M.P. No.2442/2022 filed on 01.06.2022, that is after a period about 19 months.

16. In this scenario, the trial court found that, irrespective of the direction of this Court as per Annexure.A1 order dated 02.11.2022, accused Nos.2 and 3 did not surrender their passports nor they had filed any affidavit stating that they do not have passports. Further, the trial court observed that, in gross violation of condition No.1, the 2<sup>nd</sup> accused went abroad without seeking



permission of the Court.

17. Inasmuch as, the involvement of accused Nos.1 to 3 in subsequent crime registered on 23.12.2021, the same could not be found as a subsequent crime, since the overt acts there were alleged to be committed in between the period from 04.05.2019 to 04.11.2019, prior to grant of bail in the present crime, as submitted by the learned counsel for the accused.

18. However, this Court has to address the question as to whether there is any willful violation of condition No.1 of the bail order passed by this Court in B.A. Nos. 6695 and 6714 of 2020 by accused Nos.1 to 3? Yet another question arise for consideration is whether the learned Magistrate is justified in cancelling the bail of accused Nos.2 and 3, in a petition filed under Section 439 (2) of Cr.P.C, which is meant for the Sessions Courts and High Courts to cancel the bail?

19. Before addressing this question, it is relevant to refer the law governing cancellation of bail. In the decision in ***Sobhin Sunny v. State of Kerala*** reported in **[2024 KHC OnLine 408]**, this Court after referring the decision of the Apex Court in [2024 KHC OnLine 6302 : 2024 INSC 438 :



2024 LiveLaw (SC) 392], **Ajwar v. Waseem**, held as under:

9. Recently, in the decision reported in 2024 KHC OnLine 6302 : 2024 INSC 438 : 2024 LiveLaw (SC) 392], **Ajwar v. Waseem**, the Apex Court considered this question after referring its earlier judgments and affirmed the principles in paragraphs 27 and 28 as under:

"27. It is equally well settled that bail once granted, ought not to be cancelled in a mechanical manner. However, an unreasoned or perverse order of bail is always open to interference by the superior Court. If there are serious allegations against the accused, even if he has not misused the bail granted to him, such an order can be cancelled by the same Court that has granted the bail. Bail can also be revoked by a superior Court if it transpires that the courts below have ignored the relevant material available on record or not looked into the gravity of the offence or the impact on the society resulting in such an order. In **P v. State of Madhya Pradesh and Another** (supra) decided by a three judges bench of this Court [authored by one of us (Hima Kohli, J)] has spelt out the considerations that must weigh with the Court for interfering in an order granting bail to an accused under S.439(1) of the CrPC in the following words:

"24. As can be discerned from the above



*decisions, for cancelling bail once granted, the court must consider whether any supervening circumstances have arisen or the conduct of the accused post grant of bail demonstrates that it is no longer conducive to a fair trial to permit him to retain his freedom by enjoying the concession of bail during trial [**Dolat Ram v. State of Haryana**, 1995 (1) SCC 349 : 1995 SCC (Cri) 237]. To put it differently, in ordinary circumstances, this Court would be loathe to interfere with an order passed by the court below granting bail but if such an order is found to be illegal or perverse or premised on material that is irrelevant, then such an order is susceptible to scrutiny and interference by the appellate court."*

**28. CONSIDERATIONS FOR SETTING ASIDE BAIL ORDERS**

*The considerations that weigh with the appellate Court for setting aside the bail order on an application being moved by the aggrieved party include any supervening circumstances that may have occurred after granting relief to the accused, the conduct of the accused while on bail, any attempt on the part of the accused to procrastinate, resulting in delaying the trial, any instance of threats being extended to the witnesses while on bail, any attempt on the part of the accused to tamper with the evidence in any manner. We*





*may add that this list is only illustrative and not exhaustive. However, the court must be cautious that at the stage of granting bail, only a prima facie case needs to be examined and detailed reasons relating to the merits of the case that may cause prejudice to the accused, ought to be avoided. Suffice it is to state that the bail order should reveal the factors that have been considered by the Court for granting relief to the accused."*

20. Thus the legal position is well settled. When a Court grants bail after imposing conditions, violation of any of the conditions in a bail order would lead to cancellation of bail by invoking power under Section 437(5) of Cr.P.C. by the Magistrate and under Section 439(2) of Cr.P.C by the Sessions Court and the High Court.

21. Coming to the facts of this case, as submitted by both sides, as per the bail order in B.A. Nos. 6695 and 6714 of 2020, this Court granted bail to accused Nos.1 to 3 by imposing condition Nos.1 to 5 as extracted in paragraph No. 5 hereinabove. Indisputably condition No.1 imposed was that, the accused should surrender their passport before the jurisdictional court and should not go abroad without



permission of the court and in case they did not have passports, they should file affidavits to that effect. The specific allegation of the defacto complainant is that, accused Nos.1 to 3 violated condition No.1 in the bail order. As far as violation of bail condition No.1 by the 1<sup>st</sup> accused is concerned, the trial court found in the negative, while holding that accused Nos.2 and 3 violated the said condition. Accordingly, bail granted to accused Nos.2 and 3 was cancelled. It is discernible that, the 1<sup>st</sup> accused surrendered his passport in terms of the bail order and thereafter as per Annexure.3 order dated 06.03.2021 in C.M.P. No.422/2021, his passport was released for a short visit to Dubai for business purpose, with specific direction to surrender the passport on 28.03.2021 and the 1<sup>st</sup> accused should not take up employment/employment residence in any foreign country without permission of the Court. Even though, as pointed out by the learned counsel for the defacto complainant, applying for residence/employment visa and getting visa stamped for the said purpose for three years could be seen from Annexure.A5 in CrI.M.C. No.5631/2022 (page No.35), which would show that the 1<sup>st</sup>



accused also violated condition No.5 of Annexure.3 order dated 06.03.2021, the learned Magistrate was not inclined to accept this contention and to cancel the bail granted to the 1<sup>st</sup> accused.

22. On perusal of the impugned order, the 1<sup>st</sup> accused obeyed condition No.1 imposed by this Court and surrendered his passport and thereafter got his passport released for a short visit to Dubai by filing application before the trial court and subsequently surrendered the passport on 28.03.2021 itself as directed by the trial court, even though visa in the form of residence/employment was stamped for three years. Since the 1<sup>st</sup> accused surrendered his passport on 28.03.2021 and he has been available within the jurisdiction of the trial court as of now, the finding of the trial court that he did not willfully violate condition No.5 in Annexure.3 order is only to be justified. In fact, the 1<sup>st</sup> accused did not violate condition No.1 imposed by this Court.

23. Coming to violation of condition No.1 by accused Nos.2 and 3, even the learned counsel for accused Nos.2 and 3 could not deny the same, as evidently the passports



were surrendered after a period of 19 months, that too on getting notice in the bail cancellation petition. No doubt, as per the order dated 02.11.2020 in B.A. Nos.6695 and 6714 of 2020, accused Nos. 2 and 3 were bound to surrender their passports before the jurisdictional court and should not go abroad without permission of the Court and if they did not have passport, they were bound to file affidavits to that effect. However, in the instant case, accused Nos.2 and 3, who possessed valid passports did not surrender the same when the passport of the 1<sup>st</sup> accused was surrendered or within a reasonable time thereafter, in obedience to condition No.1. In fact, they surrendered their passports only on getting notice in C.M.P. No.2442/2022 filed on 01.06.2022. Thus, it is discernible that in between 02.11.2020 till 01.06.2022 for a long period of 19 months, accused Nos.2 and 3 failed to surrender their passports. Therefore, the allegation raised by the defacto complainant, supported by the prosecution side that, accused Nos.2 and 3 violated condition No.1 in the matter of surrender of passports is only to be justified. In addition to that, it is discernible that, without surrendering the passport, the 2<sup>nd</sup>



accused used the same and went abroad and thereby, the second part of condition No.1 in the bail order also was violated by the 2<sup>nd</sup> accused. According to the learned counsel for the defacto complainant, there was attempt on the part of the accused persons to negate the right of the defacto complainant in the company, where she is having 34% of share, as evident from Annexure.R2(c), (d), (e) and (f) in Crl.M.C. No.5639/2022. This aspect does not require much discussion in this matter.

24. In the instant case, it is noticeable that accused Nos.2 and 3 violated condition No.1 in the bail order of this Court, without surrendering their passports and the 2<sup>nd</sup> accused went abroad and thereby violated the second part of condition No.1 of the bail condition also. In such a case, on meticulous analysis of the facts of the case, the learned Magistrate cancelled the bail granted to accused Nos.2 and 3. The said finding is justifiable and no interference is called for.

25. Since C.M.P. No.2442/2022 (the petition seeking cancellation of bail) has been filed under Section 439(2) of Cr.P.C, it is pointed out by the learned counsel for the



accused that the learned Magistrate is not empowered to cancel the bail granted by the Sessions Court or the High Court under Section 439(2) of Cr.P.C. and the said power is available to only the Sessions Court and the High Court. While addressing the question as to whether which is the provision of law authorizes a Magistrate or a Court other than the High Court or Sessions Court to cancel the bail granted to an accused, Section 437(5) of Cr.P.C. permits any Court other than the High Court or Court of Sessions, which has released a person on bail under sub-section (1) of Section 437 or sub-section (2), to do the said exercise. It has been provided that, the Court other than the High Court and Sessions Court may, if it considers it necessary so to do, direct that such person be arrested and commit him to custody. In fact, Section 439 of Cr.P.C. deals with special powers of High Court or Court of Session regarding bail and Section 439(2) of Cr.P.C. permits the High Court or Court of Session to direct that any person who has been released on bail be arrested and commit him to custody for valid reasons.

26. In the instant case, as per the bail order of this



Court, it has been specifically provided that, in case of violation of the bail conditions, the prosecution is at liberty to move for cancellation of bail before the jurisdictional court and accordingly the present application has been filed before the Magistrate Court by the defacto complainant. Therefore, the application, even though filed by quoting Section 439(2) of Cr.P.C, the power exercised by the Magistrate, in view of the specific delegation by this Court, is to be reckoned as one under Section 437(5) read with 439(2) of Cr.P.C. Therefore, the challenge raised in this count also would not yield anything in favour of the accused.

27. Summarizing the discussion, it is held that cancellation of bail granted to accused Nos.2 and 3 by the learned Magistrate is justified by reasons and the same does not require any interference by this Court.

28. Similar is the position as regards to the refusal of the learned Magistrate to cancel the bail granted to the 1<sup>st</sup> accused. Therefore, confirming the order dated 10.08.2022 of the learned Magistrate in C.M.P. No.2442/2022 in C.C. No.95/2022, both these Crl.M.Cs are liable to fail and



accordingly these petitions stand dismissed.

29. Interim order of stay granted in CrI.M.C. No. 5639/2022 in favour of accused Nos.2 and 3 in the matter of their surrender before the trial court stands vacated, with direction to accused Nos.2 and 3 to surrender before the Magistrate Court, forthwith, at any rate, within a period of seven days from today. On failure to surrender as directed within seven days, learned Magistrate shall go for coercive steps to obtain custody of accused Nos.2 and 3 through process of law, without fail.

Registry shall forward a copy of this order to the trial court for information and further steps.

**Sd/-**  
**A. BADHARUDEEN**  
**JUDGE**

SK





**APPENDIX OF CRL.MC 5631/2022**

**PETITIONER'S ANNEXURES :**

- ANNEXURE1** TRUE PHOTOCOPY OF THE COMMON ORDER DATED 02.11.2020 IN B.A.NOS.6695 & 6714 OF 2020
- ANNEXURE2** CITIZEN COPY OF THE FIRST INFORMATION REPORT DATED 23.12.2021 IN CRIME NO. 1592/2021 OF ERNAKULAM TOWN SOUTH POLICE STATION
- ANNEXURE3** TRUE PHOTOCOPY OF THE ORDER IN CMP NO. 422/2021 DATED 06.03.2021 PASSED BY THE JUDL.FIRST CLASS MAGISTRATE COURT-VIII, ERNAKULAM.
- ANNEXURE4** TRUE PHOTOCOPY OF THE DOCUMENT DOWNLOADED FROM THE DUBAI EMIGRATION PORTAL
- ANNEXURE5** TRUE PHOTO COPY OF THE RESIDENCE VISA ISSUED TO THE 2ND RESPONDENT BY THE UNITED ARAB EMIRATES DATED 17.03.2021
- ANNEXURE6** TRUE PHOTO COPY OF THE ORDER DATED 01.04.2022 IN CMP NO. 1154/2022 PASSED BY THE JUDL. FIRST CLASS MAGISTRATE COURT-VIII, ERNAKULAM.
- ANNEXURE7** CERTIFIED COPY OF THE ORDER DATED 10.08.2022 IN CMP NO. 2442/2022 IN C.C NO. 95/2022 ON THE FILES OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT-III, ERNAKULAM

**RESPONDENT ANNEXURES :**

- ANNEXURE R2(A)** TRUE COPY OF FINAL REPORT IN WHICH CRIME NO. 1592/2021 OF E.T.SOUTH POLICE STATION

**PETITIONER ANNEXURES :**

- ANNEXURE 8** TRUE PHOTOCOPY OF THE VALUATION REPORT DATED 21.11.2024 PREPARED BY SRI.ALEX THOMAS

**RESPONDENT ANNEXURES :**

- ANNEXURE R2(B)** TRUE COPY OF THE VALUATION REPORT DATED 7/12/2024 PREPARED BY AJI JOHN

**APPENDIX OF CRL.MC 5639/2022****PETITIONER ANNEXURES**

<b>ANNEXURE A-1</b>	<b>TRUE COPY OF THE COMMON ORDER DATED 2.11.2020 IN BA NOS.6695/2020 AND 6714/2020</b>
<b>ANNEXURE A-2</b>	<b>TRUE COPY OF THE RELEVANT PAGES OF THE FINAL REPORT DATED 28.10.2021</b>
<b>ANNEXURE A-3</b>	<b>TRUE COPY OF THE CMP NO.2442/2022 DATED 1.6.2022 IN CC 95/2022 BEFORE JFCM VIII ERNAKULAM</b>
<b>ANNEXURE A-4</b>	<b>TRUE COPY OF THE OBJECTION FILED BY THE PETITIONERS TO ANN.A/3</b>
<b>ANNEXURE A-5</b>	<b>TRUE COPY OF THE ORDER DATED 10.8.2022 IN CMP NO.2442/2022 IN CC 95/2022 OF THE HON'BLE JFCM VIII, ERNAKULAM</b>
<b>ANNEXURE A-6</b>	<b>TRUE COPY OF THE MARRIAGE INVITATION CARD</b>

**RESPONDENT ANNEXURES :**

<b>ANNEXURE-R2(A)</b>	<b>TRUE PHOTOCOPY OF THE COMMON ORDER DATED 02.11.2020 IN B.A.NOS. 6695 AND 6714 OF 2020</b>
<b>ANNEXURE-R2(B)</b>	<b>TRUE PHOTOCOPY OF THE DOCUMENT DOWNLOADED FROM THE DUBAI EMIGRATION PORTAL</b>
<b>ANNEXURE-R2(C)</b>	<b>TRUE PHOTOCOPY OF THE APPLICATION DATED 22.04.2021 SUBMITTED BY THE PETITIONERS TO THE CHIEF MANAGER, STATE BANK OF INDIA, VYTTILA BRANCH</b>
<b>ANNEXURE-R2(D)</b>	<b>TRUE PHOTO COPY OF THE FORGED MINUTES DATED 02.02.2019</b>
<b>ANNEXURE-R2(E)</b>	<b>TRUE PHOTO COPY OF THE FORGED MINUTES DATED 21.11.2019</b>
<b>ANNEXURE-R2(F)</b>	<b>TRUE PHOTOCOPY OF THE ACTUAL MINUTES DATED 02.02.2019</b>
<b>ANNEXURE-R2(G)</b>	<b>TRUE PHOTO COPY OF THE FORGED MEMORANDUM OF ASSOCIATION AND ARTICLES OF ASSOCIATION</b>
<b>ANNEXURE-R2(H)</b>	<b>TRUE PHOTO COPY OF THE DEATH OF CERTIFICATE OF LATE THAMPI KRISHNA</b>
<b>ANNEXURE-R2(I)</b>	<b>CITIZEN COPY OF THE FIRST INFORMATION REPORT</b>



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**DATED 23.12.2021 IN CRIME NO. 1592/2021 OF  
ERNAKULAM TOWN SOUTH POLICE STATION**

**PETITIONER ANNEXURES :**

**ANNEXURE A7                      CERTIFIED COPY OF THE FINAL REPORT IN CRIME  
NO. 1592/2021 BEFORE THE ACJM (EO) COURT**