

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

SATURDAY, THE 20TH DAY OF DECEMBER 2014/29TH AGRAHAYANA, 1936

CrI.MC.No. 7285 of 2014 ()

**IN CC 1137/2014 of JUDICIAL FIRST CLASS MAGISTRATE COURT-I,HOSDURG
CRIME NO. 1116/2011 OF HOSDURG POLICE STATION , KASARGOD**

PETITIONER(S):

**MOHAMMED ANSAR A.R AGED 28 YEARS
S/O. A.R. MUHAMMED, AVIYIL
KANHANGAD VILLAGE, HOSDURG TALUK**

BY ADV. SRI.A.ARUNKUMAR

RESPONDENT(S):

**STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM - 682 031**

R BY PUBLIC PROSECUTOR, SMT. SAREENA GEORGE P.

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
20-12-2014,ALONG WITH CRMC No.7286/2014 AND CONNECTED CASES,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

das

P. UBAID, J.

Crl.M.C. Nos. 7285, 7286, 7287, 7288, 7289,
7292 & 7293 of 2014

Dated this the 20th day of December, 2014

ORDER

The petitioner herein is involved as accused in seven cases pending before the Judicial First Class Magistrate Court-I, Hosdurg. His rank as accused is different in the different cases. The offences also differ. The different cases wherein he is involved are C.C.No.1137/2014, C.P.No.143/2014, C.C.No.1110/2014, C.C.No.2044/2014, C.C.No.95/2014, C.C.No.2821/2014 and C.C.No.346/2014. On the apprehension of arrest, in execution of the warrant of arrest issued by the Court below in these seven cases, the petitioner seeks a direction from this Court under section 482 Cr.P.C. to recall the warrants of arrest and to consider his application for bail without delay. Of course, the prayer to recall the warrants of arrest cannot be entertained by this Court. The learned Magistrate, who has

issued warrant of arrest in the different cases, will have to examine the request and take appropriate decision.

2. The learned counsel for the petitioner submits that the petitioner, in fact, went abroad in search of some job and that is why he could not make prompt appearance in the different cases. Of course, if this is true, it will have to be considered by the learned Magistrate. If the petitioner has explanation for his absence throughout, it will definitely be considered by the learned Magistrate. I do not think that the learned Magistrate will mechanically remand him to custody without hearing him or without appreciating his explanation for his consistent absence. Anyway, decision regarding bail will have to be taken by the learned Magistrate, and this Court cannot directed the Court below to recall the warrants. However, a direction can be made to dispose of the application for bail without delay.

3. In the result, these petitions are closed, with direction to the Court below that in case the petitioner makes application for bail on surrender in the above cases, his application shall be judiciously considered on merits. His explanation for absence shall be considered by the learned Magistrate and appropriate decision regarding bail shall be taken on the date of surrender itself, however with notice to the other side. The petitioner is granted time for two weeks to surrender and make application for bail. In the meantime, execution of the warrant of arrest against him will stand suspended.

Sd/-
P.UBAID, JUDGE