

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE SUNIL THOMAS

TUESDAY, THE 25TH DAY OF AUGUST 2015/3RD BHADRA, 1937

Bail Appl..No. 5307 of 2015 ()

CRMC 1337/2013 of SESSIONS COURT, TRIVANDRUM DATED 21-06-2013
CRIME No.381/2013 OF PALLICKAL POLICE STATION, THIRUVANANDAPURAM

PETITIONER(S)/1ST ACCUSED :-

RAJESH, AGED 36 YEARS
S/O.RAVEENDRAN PILLAI, KAVITHA, KIZHAKKANELA
NAVAIKULAM VILLAGE, THIRUVANANTHAPURAM.

BY ADV. SRI.B.MOHANLAL

RESPONDENT(S)/COMPLAINANT :-

THE STATION HOUSE OFFICER
PALLICKAL POLICE STATION
THIRUVANANTHAPURAM DISTRICT
THROUGH THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM

BY PUBLIC PROSECUTOR SMT.SHEEBA T.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
25-08-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

jvt

SUNIL THOMAS, J

B.A.No. 5307 of 2015

Dated this the 25th August, 2015

O R D E R

Petitioner herein is the first accused, who stands indicted for the offence punishable under Section 498A read with Section 34 IPC. His grievance is that a non-bailable warrant was issued by the Court below on 31.7.2015, since he was absent on that day, though he sought exemption from personal appearance through the counsel. Thereafter, on 20.8.2015, an application was filed to advance the case for the purpose of enabling the petitioner to seek bail, which was stood posted to 1.9.2015. It is stated that the petitioner, who was abroad, reached India only on 21.8.2015. It appears that the application for advancing the case was posted on the same day, namely, 1.9.2015. Subsequent application was also filed as C.M.P.No.2042 of 2015, which also stands posted now to 1.9.2015.

2. In the above circumstances, the petitioner apprehends arrest in the interregnum till his applications seeking for bail and advancing the case are heard on 1.9.2015.

3. Heard and examined the records.

4. Though the Court has issued a non-bailable warrant in exercise of its jurisdiction and I am not inclined to interfere with that jurisdiction, there is substance in the contention of the learned counsel for the petitioner that since the petitioner has sought for exemption from personal appearance through his counsel on 31.7.2015 and he is ready and willing to participate in the proceedings, he apprehends arrest even before his applications, which are now pending, are considered.

In the above circumstances, I feel that interest of justice demands that non-bailable warrant already issued by the court will be kept in abeyance till the petitioner's applications are taken up on 1.9.2015 and appropriate orders passed by the Court below, especially taking into

consideration the fact that the entire allegation arises out of a matrimonial dispute and that the petitioner was abroad during the intervening period. The Court below shall consider the applications in the light of above and pass appropriate orders.

The Bail Application is disposed of accordingly.

**SUNIL THOMAS
JUDGE**

vgs25/8/15