

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 6TH DAY OF JANUARY 2015/16TH POUSHA, 19361

Cr1.MC.No. 4 of 2015  
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IN CC 934/2013 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT I,  
SULTHANBATHERY

PETITIONER/ACCUSED NO 5:  
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RATHEESH REVINDRAN, AGED 29 YEARS,  
S/O REVINDRAN, THALAPOLIMATTATHIL (H)  
KUNINJI KODIKUTHI, PURAPUZHA P.O, THODUPUZHA,  
IDUKKI DISTRICT - 685584

BY ADV. SRI.P.B.AJOY

RESPONDENT/STATE COMPLAINANT:  
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THE STATE OF KERALA,  
REPRESENTED BY THE PUBLIC PROSECUTOR  
HIGH COURT OF KERALA, ERNAKULAM 682031

BY PUBLIC PROSECUTOR SMT.S.HYMA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION  
ON 06-01-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

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**P.UBAID, J.**

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**Crl.M.C No.4 of 2015**  
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Dated this the 6<sup>th</sup> day of January, 2015

**O R D E R**

The petitioner herein is the 5<sup>th</sup> accused in C.C. No.934/2013 of the Judicial First Class Magistrate Court I, Sultan Bathery.

2. On the apprehension of arrest and remand to judicial custody in execution of a warrant of arrest issued from the court below the petitioner seeks orders under Section 482 of the Code of Criminal Procedure, directing the learned Magistrate to recall the warrant of arrest and to enlarge him on bail. Of course the relief as sought by the petitioner cannot be granted by this Court in this proceeding. However, a direction can be given to the court below to dispose of the application without delay. The learned Magistrate who has issued warrant of arrest for proper reasons will have to consider the petitioner's request and pass appropriate orders. I do not think that the learned Magistrate will mechanically remand him to judicial custody without hearing him and without examining the case records. It is submitted that the other accused are on bail.

In the result, this Criminal Miscellaneous Case is closed with a direction to the court below that application for bail, if filed by the petitioner on surrender in C.C No.934/2013, shall be judiciously considered, and appropriate orders shall be passed, on the date of surrender itself.

**P.UBAID  
JUDGE**

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