

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 7TH DAY OF JANUARY 2015/17TH POUSHA, 1936

Crl.MC.No. 44 of 2015

CRIME NO. 35/2012 OF VIDYA NAGAR POLICE STATION , KASARGOD

PETITIONER/ACCUSED:

MOHAMMED RIYAS, AGED 37 YEARS
S/O.ABDUL RAHIMAN THAYAL, S.P NAGAR, ULIYATHADKA POST
KASARAGOD TALUK & DISTRICT

BY ADV. SRI.S.JJI

RESPONDENT/STATE:

STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM

R BY PUBLIC PROSECUTOR, SMT.S.HYMA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
07-01-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

dl/

P.UBAID, J.

Crl. M.C No. 44 of 2015

Dated this the 7th day of January, 2015.

ORDER

The petitioner herein is one of the accused in Crime No.35/2012 of the Vidyanagar Police Station of Kasaragod District. On the apprehension of remand to judicial custody in case of surrender before the Investigating Officer or before the learned Magistrate having jurisdiction, the petitioner seeks a direction from this court under Section 482 Cr.P.C to the learned Magistrate to release him on bail on surrender. Of course, the prayer as sought by the petitioner cannot be granted. He will have to surrender before the learned Magistrate, and make application for regular bail. Or if the offence is non bailable he can even move an application for pre-arrest bail. However a direction can be made to the court below to disposal of his request for bail, if made, without delay. It must be his option to surrender before the Investigating Officer or before the learned Magistrate, because investigation is still in progress.

In the result, this petition is closed with direction to the court below, that in case the petitioner herein appears in court, and makes application for bail on surrender, or on production by the

Investigating Officer on arrest before him, the same shall be judiciously considered, and appropriate decision regarding bail shall be taken on the date of application itself, however with notice to the other side.

P.UBAID,
JUDGE

sab