

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. 62 of 2015

**CC 326/2013 OF JUDICIAL FIRST CLASS MAGISTRATE COURT - II, HOSDRUG
CRIME NO. 446/2010 OF CHITTARIKAL POLICE STATION**

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PETITIONER(S)/ACCUSED NO.1:

**DENNYS GEORGE, AGED 40,
S/O. GEORGE, NO. 19, ELAMENTS LAYOUT,
KAIKONDARAHALLI, CARMALARAM P.O., BANGALORE - 35.**

BY ADV. SRI.P.NARAYANAN

RESPONDENT(S):

**STATE OF KERALA,
THROUGH STATION HOUSE OFFICER,
CHITTARIKKAL POLICE STATION,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT.S.HYMA

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
07-01-2015 ALONG WITH CRL.MC.63/2015 AND CONNECTED CASES,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

Crl.MC.No. 62 of 2015

APPENDIX

PETITIONER(S)' ANNEXURES:

**ANNEXURE 1: COPY OF THE COMPLAINT FILED BY THE DE-FACTO COMPLAINANT
BEFORE THE COURT.**

**ANNEXURE 2: COPY OF THE FINAL REPORT IN CC.326/2013 OF JFCM-II
HOSDURG (IN CRIME NUMBER 446/2010 OF THE CHITTARIKKAL
POLICE STATION.)**

RESPONDENT(S)' ANNEXURES:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

P.UBAID, J.

Crl.M.C..Nos. 62,63,64 & 65 OF 2015

Dated this the 7th day of January, 2015

O R D E R

The petitioner in these four proceedings is the accused in four prosecutions brought under Section 420 IPC. Three of the cases are pending before the Judicial First Class Magistrate Court-II Hosdurg, and the forth one is before the Judicial First Class Magistrate Court- I, Hosdurg. Cases pending before the Judicial First Class Magistrate Court-II, Hosdurg are C.C.Nos.326/2013, 327/2013 & C.C. No.328/2013. The other one before the Judicial First Class Magistrate Court-I, Hosdurg is C.C. No.3215/2014. On the apprehension of arrest and remand to judicial custody on surrender, or in execution of the warrant of arrest issued from the court below, the petitioner seeks orders from this Court under Section 482 of the CrI.P.C. for a direction to the court below to recall the warrant of arrest issued against him, and to consider application for bail without delay. Of course, the request made by the petitioner or

the relief sought by him cannot be, in fact, granted by this Court under Section 482 of the CrI.P.C. The learned Magistrate, who has issued warrant of arrest for proper reason, will have to consider request to recall the warrant and the learned Magistrate will have to take decision on the request for bail. The petitioner will have to surrender before the Learned Magistrate and make application for bail. However, a direction can be issued to the Court below to consider and dispose of the application on the date of surrender itself in the interest of justice. I do not think that the learned Magistrate will mechanically remand the petitioner 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, all these proceedings are closed with direction to the courts below that in case application for bail is filed on surrender by the accused, the same shall be considered and appropriate decision regarding bail shall be taken on the date of surrender itself. The petitioner is granted ten days to surrender before the court below and to make application. During this

period, execution of the warrant of arrest will stand suspended.

Sd/-

P.UBAID, Judge.

dpk

/True copy/ PS to Judge.