

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

MONDAY, THE 12TH DAY OF JANUARY 2015/22ND POUSHA, 1936

Cr1.MC.No. 160 of 2015

IN CC 315/2014 OF THE CHIEF JUDICIAL MAGISTRATE COURT, THRISSUR

CRIME NO. 2114/2013 OF TRICHUR EAST POLICE STATION, THRISSUR

PETITIONER/ACCUSED 4:

ANILKUMAR
S/O.GOPALAN, THENADIKULATHIL, VALARKKAVU DESOM,
ANCHERI VILLAGE, THRISSUR TALUK.

BY ADVS.SRI.THOMAS J.ANACKALLUNKAL
SRI.M.REVIKRISHNAN

RESPONDENTS/STATE & COMPLAINANT:

1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM- 682 031.
2. VARGHESE, AGED 64 YEARS,
S/O.PORINCHU, ARACKAL HOUSE, SANTHIBHAVAN,
VALLACHIRA DESOM, VALLACHIRA VILLAGE,
THRISSUR DISTRICT - 680 501.
3. GOPALAKRISHNAN, AGED 47 YEARS,
S/O.PARASURAMAN, KIZHAKKEMADOM HOUSE, THRIPRAYAR DESOM,
NATTIKA VILLAGE - 680 301.
4. KUNJUMON, AGED 65 YEARS,
S/O.SEMU, KIZHAKKETHIL HOUSE, VENMANADU DESOM,
PAVARATTI VILLAGE - 680 104.
5. JOSEPH, AGED 56 YEARS,
S/O.SCARIAH, RESIDING AT AYKARA HOUSE,
NADATHARA VILLAGE, ANCHERICHIRA DESOM - 680 506.

R2-5 BY ADV. SRI.UNNI SEBASTIAN KAPPEN
R1 BY PUBLIC PROSECUTOR SMT.S.HYMA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 12-01-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

APPENDIX

PETITIONER'S ANNEXURES:

ANNEXURE-1: AFFIDAVIT SWORN IN BY THE 2ND RESPONDENT

ANNEXURE-2: AFFIDAVIT SWORN IN BY THE 3RD RESPONDENT

ANNEXURE-3: AFFIDAVIT SWORN IN BY THE 4TH RESPONDENT

ANNEXURE-4: AFFIDAVIT SWORN IN BY THE 5TH RESPONDENT

ANNEXURE-5: COPY OF THE CHARGE SHEET IN CRIME NO.2114/2013 OF
TRICHUR EAST POLICE STATION.

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.160 of 2015

Dated this the 12th day of January, 2015

O R D E R

The petitioner herein is the sole accused in C.C. No.315/2014 of the Chief Judicial Magistrate Court, Thrissur.

2. On the apprehension of arrest and remand to judicial custody on surrender, the petitioner seeks a direction from this Court under Section 482 of the Code of Criminal Procedure, to the court below to release him on bail, on appropriate conditions. The offences involved are under Sections 406 and 420 of the Indian Penal Code.

3. The learned counsel submits that the petitioner has already settled all the claims with some other persons and earnest efforts are now being made to settle the whole dispute. It is also submitted that the transaction alleged in the final report is in fact a civil transaction having only civil consequences. Anyway, these aspects will have to be looked into by the learned Magistrate when the application for bail is considered. The learned Magistrate who has issued warrant of arrest for proper and legal 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 his grievance and without understanding the facts of the case. However, a direction can be given to the court below to dispose of the application without delay.

In the result, this Criminal Miscellaneous Case is closed with direction to the court below that if application for bail is filed by the petitioner on surrender in C.C No.315/2014, it shall be judiciously considered, and appropriate orders shall be passed, on the date of surrender itself, however with notice to the other side.

**P.UBAID
JUDGE**

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