

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 13TH DAY OF JANUARY 2015/23RD POUSHA, 1936

Crl.MC.No. 166 of 2015 ()

CRIME NO. 922/2012 OF NEDUMBASSERY POLICE STATION , ERNAKULAM DISTRICT
=====

PETITIONER/ACCUSED:

**CYRIL RAJ, AGED 27 YEARS
S/O. RAJU KURIAN, PATHAPILLIL HOUSE
THIRUVANIYOOR P.O., THIRUVANIYOOR KARA
THIRUVANIYOOR VILLAGE, PUTHENCROUZ, ERNAKULAM.**

BY ADV. SRI.P.G.MANU (MAMMALASSERY)

RESPONDENT/STATE:

**STATE OF KERALA
REPRESENTED BY THE SUB INSPECTOR OF POLICE STATION
NEDUMBASSERY 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 13-01-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

SD

P. UBAID, J.

Crl.M.C.No166 of 2015

Dated this the 13^h day of January, 2015

O R D E R

The petitioner herein is the 1st accused in C.C.No.141/2014 of the Judicial First Class Magistrate Court, Angamaly. 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 from this court under Section 482 Cr.P.C., directing the learned Magistrate to recall the warrant of arrest, and to release him on bail. Of course, the relief as sought by the petitioner cannot be granted. The learned Magistrate, who has issued warrant of arrest for proper reasons will have to consider the request to recall the warrant of arrest. The petitioner will have to surrender before the learned Magistrate and make application for bail afresh. I do not think that the learned Magistrate will mechanically remand him to judicial custody. The petitioner can very well explain his absence before the learned Magistrate. If his explanation is satisfactory, the question of granting bail on condition can be thought of. However, a

direction can be made to dispose of the application for bail without delay.

In the result, this Crl.M.C. is closed, with direction to the court below that in case application for bail is filed by the petitioner in C.C.No.141/2014, the same shall be judiciously considered, and appropriate decision shall be taken on the date of surrender itself. The petitioner is granted time for seven days to surrender before the court and make application. In the mean time, execution of the warrant of arrest will stand suspended.

P. UBAID, JUDGE

sd