

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE P.UBAID**

**WEDNESDAY, THE 14TH DAY OF JANUARY 2015/24TH POUSHA, 1936**

**Crl.MC.No. 212 of 2015 ()**  
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**IN ST 150/2113 of J.M.F.C.-II, THODUPUZHA**

**PETITIONER(S)/ACCUSED:**  
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**DINESH AGED 46 YEARS  
S/O. RAGHAVAN, SURYANKUNNEL, KANJIRAMATTAM  
THODUPUZHA, IDUKKI.**

**BY ADVS.SRI.S.RAJEEV  
SRI.K.K.DHEERENDRA KRISHNAN  
SRI.V.VINAY**

**RESPONDENT(S)/STATE:**  
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**STATE OF KERALA  
REPRESENTED BY THE PUBLIC PROSECUTOR  
HIGH COURT OF KERALA, ERNAKULAM.**

**R BY PUBLIC PROSECUTOR SMT. S. HYMA**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 14-01-2015, THE  
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

**sab**

**P.UBAID, J.**

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**Crl. M.C No. 212 of 2015**  
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Dated this the 14<sup>th</sup> day of January, 2015.

**O R D E R**

On the apprehension of arrest and remand to judicial custody in execution of a warrant of arrest issued from the Judicial First Class Magistrate-II, Thodupuzha in a prosecution under Section 138 of the Negotiable Instruments Act, the petitioner seeks orders from this court under Section 482 Cr.P.C, directing the learned Magistrate to recall the warrant of arrest. Of course, it is for the learned Magistrate to decide on 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 custody, when the offence is bailable. Of course, he will have to explain his absence, and if found necessary, some conditions can be imposed for bail afresh by the learned Magistrate. The offence being bailable he need not apprehend that he will be remanded to judicial custody. However, a direction can be made to the learned Magistrate to dispose of the application without delay.

In the result, this petition is closed with direction to the court

below, that in case the petitioner makes application for bail on surrender, in S.T No.150/2013, the same shall be judiciously considered, and appropriate decision shall be taken on the date of surrender itself. The petitioner is granted time for 7 days to surrender before the trial court, and make application for bail. During this period, execution of the warrant of arrest will stand suspended.

P.UBAID,  
JUDGE

sab