

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. 216 of 2015 ()

IN SC 38/2009 of ADDL. D.C. & SESSIONS COURT - V, PALAKKAD

PETITIONER(S)/ACCUSED:

**RIJU AGED 38 YEARS
S/O. SIDHARTHAN, AYANACHALLI HOUSE, GURUVAYOOR
THRISSUR.**

**BY ADVS.SRI.JACOB SEBASTIAN
SMT.SHAMSEERA. C.ASHRAF**

RESPONDENT(S)/COMPLAINANT:

**STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA.**

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:**

P.UBAID, J.

Crl. M.C No. 216 of 2015

Dated this the 14th day of January, 2015.

O R D E R

The petitioner herein is the sole accused in S.C No.38/2009 before the Fifth Additional Sessions Judge, Palakkad. His grievance is that non bailable warrant happened to be issued against him, when he remained absent on 14.3.2014. He apprehends remand to judicial custody on surrender. It is submitted that there was no consistent failure on his part to appear in court. He now wants a direction to the court below, to consider his application for bail without delay. Of course, he will have to surrender, and make appropriate application. I do not think that the learned trial Judge will mechanically remand him without hearing him. He will have to explain his absence in court, and if there is satisfactory explanation the question of releasing him on bail on appropriate conditions can be thought of by the learned trial Judge. However, a direction can be given to the court to consider and 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.C No.38/2009, the same shall be judiciously considered as indicated above, and appropriate decision regarding bail shall be taken on the date of surrender itself, however with notice to the other side.

P.UBAID,
JUDGE

sab