

**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. 219 of 2015 ()**  
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**IN CP 11/2012 of JUDICIAL FIRST CLASS MAGISTRATE COURT, ADOOR**

**PETITIONER(S)/2ND ACCUSED:**  
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**BIJU VARGHESE AGED 40 YEARS  
S/O. VARGHESE, ROY BHAVANAM, MOONNALAM MURI  
ADOOR.**

**BY ADVS.SRI.T.P.PRADEEP  
SRI.P.K.SATHEESH KUMAR**

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

**R BY PUBLIC PROSECUTOR SMT. P. MAYA**

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

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**P.UBAID, J.**

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**Crl. M.C No. 219 of 2015**  
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Dated this the 14<sup>th</sup> day of January, 2015.

**O R D E R**

The petitioner herein is the second accused in a committal proceeding before the learned Judicial First Class Magistrate, Adoor. The offences involved are under Sections 8(1) and (2) and 57(a) of the Kerala Abkari Act. On the apprehension of arrest and remand to judicial custody in execution of a warrant of arrest issued from the committal court, the petitioner seeks a direction from this court under Section 482 Cr.P.C to the committal court to consider his application for bail without delay. Of course, the learned Magistrate who has issued warrant of arrest for proper reasons will have to consider the request to recall the warrant of arrest, or the request for bail. The petitioner will have to explain the reason for his absence in court in spite of summons. Anyway, let appropriate decisions be taken by the learned Magistrate on the petitioner's request. However a direction can be made to the court below to consider 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 C.P No.11/2012, the same shall be judiciously considered, and appropriate decision regarding bail shall be taken on the date of surrender itself, however with notice to the other side.

P.UBAID,  
JUDGE

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