

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE PUBAID

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

Crl.MC.No. 226 of 2015 ()

**LP 13/2013 of JUDICIAL FIRST CLASS MAGISTRATE COURT - I, IDUKKI
CRIME NO. 110/2000 OF KANJIKUZH POLICE STATION, IDUKKI**

PETITIONER/ACCUSED NO.2 :

**RAJAN, AGED 50 YEARS,
S/O.SREEDHARAN, MANAKKATTU HGOUSE,
VALIYAKAVU P.O., VATTARKAYAM, RANNI.**

**BY ADVS.SRI.T.A.UNNIKRISHNAN
SRI.K.S.PRAVEEN**

RESPONDENT/COMPLAINANT :

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

BY PUBLIC PROSECUTOR SMT. HYMA

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

bp

P. UBAID, J.

Crl.M.C.No. 226 of 2015

Dated this the 14th 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 Court, Idukki in a committal proceeding now pending in the register of long pending cases, the petitioner who is the 2nd accused therein, seeks direction from this Court under Section 482 Cr.P.C. to the court below to consider his application for bail without delay, and to release him on bail. Of course, the prayer as sought by the petitioner, to direct the learned Magistrate to release him on bail, cannot be granted by this Court under Section 482 Cr.P.C. The petitioner will have to surrender before the learned Magistrate and make application for bail. Of course, the learned Magistrate will have to consider his grievance when he explains his absence in court. However, decision regarding bail will have to be taken by the learned Magistrate. If the petitioner's grievance is true that he had not received summons in the proceeding, or that he was not

in fact aware of the prosecution against him, that will definitely be considered by the learned Magistrate. However, a direction can be made to the court below to decide 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 made by the petitioner on surrender in L.P.No. 13/2013 (Crime No.110/2000 of the Kanjikuzhi Police Station, Idukki District), the same shall be judiciously considered as indicated above, and decision regarding bail shall be taken on the date of surrender itself, however, with notice to the other side. The petitioner is granted time for seven days to surrender before the learned Magistrate to make application for bail. During this period, execution of warrant of arrest will stand suspended.

Sd/-

P. UBAID, JUDGE

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