

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

Cr1.MC.No. 248 of 2015

IN CC 1578/2014 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT
II, NEDUMANGAD

PETITIONER/4TH ACCUSED:

RAJAMANI, AGED 62 YEARS
T.C.23/1175, 'DEVIKA', GNRA 2ND STREET,
MELAVOOR, KARAMANA,
THIRUVANANTHAPURAM DISTRICT.

BY ADV. SRI.SANU.S.PANICKER

RESPONDENT/RESPONDENT:

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

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:

Crl.MC.No. 248 of 2015

APPENDIX

PETITIONER'S ANNEXURES:

ANNEXURE-A1 COPY OF THE COMPLAINT DATED 04.09.2014 SUBMITTED BY
THE WIFE OF THE PETITIONER BEFORE THE HOME MINISTER, KERALA

ANNEXURE-A2 COPY OF THE JUDGMENT IN W.P(C)23300 OF 2014 DATED
17.9.2014 PASSED BY THIS HON'BLE COURT.

ANNEXURE-A3 COPY OF THE DISCHARGE CARD DATED 27.9.2014 ISSUED BY
THE GOVERNMENT GENERAL HOSPITAL, THIRUVANANTHAPURAM

ANNEXURE-A4 COPY OF THE REPORT IN MATHRUBHUMI DAILY
DT.23.8.2014.

RESPONDENT'S ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No. 248 of 2015

Dated this the 14th day of January, 2015

O R D E R

The petitioner herein is being prosecuted on a charge under Section 411 of the Indian Penal Code in C.C No.1578/2014 before the Judicial First Class Magistrate Court II, Nedumangadu. He was not arrested by the police during investigation, and his grievance is that he was not aware of the criminal proceeding against him.

2. On the apprehension of arrest in execution of warrant of a arrest issued from the trial court, the petitioner seeks a direction from this Court under Section 482 of the Code of Criminal Procedure, to the court below to consider his application for bail without delay. Of course, he will to surrender before the learned Magistrate and make application for bail. The learned Magistrate, who has issued warrant of arrest will consider the request and take appropriate decision. I do not think that the learned Magistrate will mechanically remand him to judicial custody without hearing his grievance and without understanding the facts of the case. However, a

direction can be given to the court below to consider his application for bail, on the date of surrender itself.

In the result, this Criminal Miscellaneous Case is closed with direction to the court below that if application for bail is filed by the petitioner on surrender in C.C No.1578/2014, it shall be judiciously considered, and appropriate orders shall be passed, on the date of surrender itself, however with notice to the learned Assistant Public Prosecutor.

**P.UBAID
JUDGE**

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