

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

THURSDAY, THE 15TH DAY OF JANUARY 2015/25TH POUSHA, 1936

Cr1.MC.No. 264 of 2015

IN CP 169/2014 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT,
KARUNAGAPPALLY
CRIME NO. 756/2012 OF KARUNAAGAPALLY POLICE STATION , KOLLAM

PETITIONERS:

1. AKHIL @ KANNAN, AGED 22 YEARS,
S/O.SUDHAKARAN, MANGALATHUVADAKKETHARAYIL,
KOTTACKUPURAM MURI, KULASEKHARAPURAM VILLAGE,
KOLLAM DISTRICT.
2. ARUN, AGED 24 YEARS,
S/O.SUDHAKARAN, MANGALATHUVADAKKETHARAYIL,
KOTTACKUPURAM MURI, KULASEKHARAPURAM VILLAGE,
KOLLAM DISTRICT.
3. ABHIJITH, AGED 20 YEARS,
S/O.SASIDHARAN THAMPI, MADATHILAYYATHU VEETIL,
KOTTACKUPURAM MURI, KULASEKHARAPURAM VILLAGE,
KOLLAM DISTRICT.

BY ADVS.SRI.K.SIJU
SRI.S.ABHILASH

RESPONDENT:

STATE OF KERALA
THROUGH THE SUB INSPECTOR OF POLICE,
KARUNAGAPPALLY POLICE STATION
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA.

BY PUBLIC PROSECUTOR SMT.S.HYMA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 15-01-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Cr1.MC.No. 264 of 2015

APPENDIX

PETITIONERS' ANNEXURES:

ANNEXURE 1. COPY OF THE FIR IN CRIME NO.756/2012 OF
KARUNAGAPPALLY POLICE STATION.

ANNEXURE 2. COPY OF THE FINAL REPORT IN CRIME NO.756/2012 OF
KARUNAGAPPALLY POLICE STATION.

RESPONDENT'S ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.264 of 2015

Dated this the 15th day of January, 2015

O R D E R

The petitioners herein are the accused Nos.2 to 4 in C.P No.169/2014 of the Judicial First Class Magistrate Court, Karunagappally. On the apprehension of arrest and remand to judicial custody in execution of a warrant of arrest issued from the trial court they seek orders from this Court under Section 482 of the Code of Criminal Procedure directing the court below to recall the warrant or to decide and dispose of their application for bail, without delay. Of course, the relief as sought by the petitioners cannot be granted by this Court under Section 482 of the Code of Criminal Procedure. The learned Magistrate, who has issued warrant of arrest for proper reasons, will have to consider the request to recall the warrant. It is for the trial court to decide whether bail could be granted to the petitioners. Of course, the petitioners will have to surrender before the trial court and make application for bail. They will have to explain the reason for their absence in court, and they will have to explain the circumstance in which the warrant

happened to be issued. When such satisfactory explanation is there, the question of releasing them on bail on appropriate conditions can be thought of by the learned Magistrate. Anyway, let appropriate decision regarding bail be taken by the learned Magistrate. However, a direction can be made to consider and dispose of the application for bail on the date of surrender itself.

In the result, this petition is closed, with direction to the court below that in case the petitioners make application for bail on surrender in C.P No.169/2014, the same shall be judiciously considered and decided, on the date of surrender itself, however, with notice to the other side.

**P.UBAID
JUDGE**

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