

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

Crl.MC.No. 285 of 2015

CRIME NO. 558/2014 OF PERAVOOR POLICE STATION, KANNUR
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PETITIONER(S)/ACCUSED 2 & 6:

- 1. ABHEESH KUMAR, AGED 36 YEARS,
S/O.ASOKAN, THAVARAYIL PANAYADA HOUSE, THETTUVAZHI,
NEDUMPOYIL P.O., PERAVOOR, KANNUR.**
- 2. NANDIATH SASEENDRAN,
S/O.KRISHNAN, CHEKKIODAN HOUSE, VELLARAVALLY P.O.,
KANNUR DISTRICT.**

**BY SRI.RENJITH THAMPAN, SENIOR ADVOCATE
ADV. SMT.P.R.REENA**

RESPONDENT(S)/REVISION PETITIONER 7 RESPONDENTS 1 AND 3:

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, PIN - 682 031.**
- 2. SUB INSPECTOR OF POLICE,
PERAVOOR POLICE STATION, KANNUR DISTRICT, PIN - 670 673.**

BY PUBLIC PROSECUTOR SMT. P. MAYA

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

msv/.

P. UBAID, J.

Crl.M.C. No. 285 of 2015

Dated this the 15th day of January, 2015

O R D E R

The petitioners are the accused Nos. 1 and 6 in Crime No. 558/2014 of the Peravoor Police Station, Kannur District. They want to surrender before the learned Magistrate having jurisdiction, on the apprehension of arrest by the police. They now seek orders under Section 482 Cr.P.C. from this Court, directing the learned Magistrate to release them on bail on surrender, or to consider their application for bail. Of course, the proper legal course available to the petitioners is to make application for pre-arrest bail under Section 438 Cr.P.C. So, the orders as sought by the petitioners cannot be granted by this Court. However, a direction can be made to the court below to consider the application for bail, if made on surrender. Of course, the petitioners can surrender before the investigating officer or before the learned Magistrate having jurisdiction. In case the petitioners make application for bail on surrender, their application will have to be considered appropriately by the

learned Magistrate.

In the result, this Crl.M.C. is closed with direction to the court below that in case the petitioners make application for bail on surrender in court, or before the investigating officer, the same shall be considered, and appropriate decision regarding bail shall be taken on the date of surrender itself.

Sd/-

P. UBAID, JUDGE

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