

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 20TH DAY OF JANUARY 2015/30TH POUSHA, 1936

Crl.MC.No. 343 of 2015 ()

IN CC 1738/2013 of JUDICIAL FIRST CLASS MAGISTRATE COURT-I,KOCHI

PETITIONER(S)/PETITIONER/ACCUSED NO 2:

**SAVARIYAR AGED 25 YEARS
S/O.RAJ SESRAJ, 58/2., SEBASTHIYAR STREET
KARISALPATTI, DINDIGUL, TAMIL NADU
624705**

**BY ADVS.SRI.B.S.SWATHY KUMAR
SRI.A.K.RAJESH
SRI.VENKATESH GOPI**

RESPONDENT(S)/RESPONDENT/COMPLAINANT:

**STATE OF KERALA
REP BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM, PIN-682031**

R BY PUBLIC PROSECUTOR SMT. P. MAYA

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 20-01-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Crl.MC.No. 343 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

**ANNEXURE A:- TRUE COPY OF THE PROCLAMATION NOTICE IN CC NO
 1738/2013 DTD 26/11/2014**

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

PA TO JUDGE
sab

P.UBAID, J.

Crl. M.C No.343 of 2015

Dated this the 20th day of January, 2015.

O R D E R

The petitioner herein is the accused No.2 in C.C No. 1738/2013 of the Judicial First Class Magistrate Court-I, Kochi. On the apprehension of arrest and remand to judicial custody in execution of a warrant of arrest issued from the trial court he seeks orders from this Court under Section 482 of the Code of Criminal Procedure directing the court below to release him on bail or to decide and dispose of his application for bail, without delay. The learned Magistrate, who has issued warrant of arrest for proper reasons, will have to consider the request for bail. It is for the trial court to decide whether bail could be granted to the petitioner. Of course, the petitioner will have to surrender before the trial court and make application for bail. He will have to explain the reason for his absence in court and he will have to explain the circumstances in which the warrant happened to be issued. When such satisfactory explanation is there, the question of releasing him 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 petitioner makes application for bail on surrender in C.C No. 1738/2013, the same shall be judiciously considered and decided, on the date of surrender itself, however, with notice to the other side.

P.UBAID,
JUDGE

sab