

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 21ST DAY OF JANUARY 2015/1ST MAGHA, 1936

Crl.MC.No. 373 of 2015 ()

AGAINST CC 110/2014 of J.M.F.C.,KUNNAMANGALAM
CRIME NO. 535/2012 OF MEDICAL COLLEGE POLICE STATION , KOZHIKODE

PETITIONER(S)/ACCUSED NO.5:

RATHEESH REVINDRAN, AGED 29 YEARS
S/O.REVINDRAN, THALAPOLIMATTATHIL (H), KUNINJI
KODIKUTHI, PURAPUZHA P.O.. THODUPUZHA
IDUKKI DISTRICT-685 584.

BY ADV. SRI.P.B.AJOY

RESPONDENT(S)/STATE/COMPLAINANT:

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

BY PUBLIC PROSECUTOR SMT.P.MAYA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
21-01-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

P.UBAID, J.
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**Crl.M.C No.373 of 2015**  
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Dated this the 21st January, 2015

ORDER

The petitioner herein is the 5th accused in C.C No.110 of 2014 of the Judicial First Class Magistrate's Court, Kunnamangalam. 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 recall the warrant and to release him on bail or to decide and dispose of his application for bail, without delay. Of course, the relief as sought by the petitioner 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 court below 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.110 of 2014, the same shall be judiciously considered and decided, on the date of surrender itself, however, with notice to the other side.

Sd/-

**P.UBAID
JUDGE**

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/True copy/

P.S to Judge