

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. 395 of 2015 ()

**IN CC 1890/2013 of JUDICIAL FIRST CLASS MAGISTRATE COURT, VATAKARA
CRIME NO. 759/2013 OF VATAGARA POLICE STATION , KOZHIKODE**

PETITIONER(S):

**A.N.ANAS AGED 27 YEARS
S/O.AMMED, BUSHARA HOUSE, PUTHUPANAM P.O.
VADAKARA-673105.**

**BY ADVS.SRI.ASOK M.CHERIAN
SRI.R.ROHITH
SRI.K.JANARDHANA SHENOY
SRI.V.N.RAJAPPAN
SRI.V.K.PRASAD**

RESPONDENT(S):

**STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA.**

R 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:**

APPENDIX

PETITIONERS ANNEXURES:

A1: A TRUE COPY OF THE FIR NO. 759/13 DATED 20.05.2013 REGISTERED BY VATAKARA POLICE

A2: A TRUE COPY THE RELEVANT EXTRACT OF THE FINAL REPORT DATED 27.7.2013 SUBMITTED BY VATAKARA POLICE, KOZHIKODE BEFORE THE HON'BLE JUDICIAL FIRST CLASS MAGISTRATE COURT, VATAKARA

RESPONDENTS ANNEXURES: NIL

/TRUE COPY/

PA TO JUDGE
sab

P.UBAID, J.

Crl. M.C No.395 of 2015

Dated this the 21st day of January, 2015.

O R D E R

The petitioner herein is the 8th accused in C.C No. 1890 of 2013 before the Judicial First Class Magistrate Court, Vatakara. 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. 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 learned Magistrate 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.1890/2013, 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