

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. 405 of 2015

S.C.NO. 502/2014 OF ADDITIONAL DISTRICT COURT- III, PALAKKAD

PETITIONER(S)/ACCUSED :

**K.THAJUDEEN @ SHAJI, AGED 49 YEARS,
SON OF KUNHU MOIDEN, KADAKKASSERI VALAPPIL,
KURUNATHUR P.O., VALLAPUZHA, PALAKKAD DISTRICT.**

BY ADV. SRI.JACOB SEBASTIAN

RESPONDENT(S)/COMPLAINANT :

**STATE OF KERALA,
REPRESENTED BY 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:**

Msd.

P. UBAID, J.

Crl.M.C.No.405 of 2015

Dated this the 21st day of January, 2015

O R D E R

The petitioner herein is the original 1st accused in Crime No.361/2007 Chaliserry Police Station. The other accused entered appearance before the Court of Session in S.C.No.155/2009. The case against the petitioner was split up and refiled as S.C.No.502/2014 when he failed to appear in court during the trial process. 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. 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 trial Judge, 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. 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 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 trial court. Anyway, let appropriate decision regarding bail be taken by the trial court. 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 S.C.No.502/2014, 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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