

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

THURSDAY, THE 22ND DAY OF JANUARY 2015/2ND MAGHA, 1936

Crl.MC.No. 435 of 2015 ()

**CC.NO. 194/2013 OF CHIEF JUDICIAL MAGISTRATE, ERNAKULAM
CRIME NO. 2443/2012 OF ERNAKULAM CENTRAL POLICE STATION , ERNAKULAM**

PETITIONER/ACCUSED NO.2:

**SHIJU MATHEW, S/O.MATHEW,
KULATHINAL HOUSE, POOYAMKUTTY P.O.,
KOTHAMANGALAM-686 691.**

BY ADV. SRI.M.M.ABDUL RAHIMAN

RESPONDENT :

**STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,ERNAKULAM.
(C.C.NO.194/13 OF CENTRAL POLICE STATION
ERNAKULAM).**

BY PUBLIC PROSECUTOR SMT. P.MAYA

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 22-01-2015,ALONG WITH CRL.M.C.NO.436 OF 2015 AND CONNECTED
CASES, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

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P.UBAID, J.

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**Crl.M.C Nos.435, 436,437, 438, 439, 440 &  
441 of 2015**

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Dated this the 22nd January, 2015

ORDER

The petitioner herein is accused in seven cases, involving the offence of breach of trust and cheating, pending before the Chief Judicial Magistrate's Court, Ernakulam. On the apprehension of arrest and remand to judicial custody in execution of a warrant of arrest issued from the trial court in the seven cases, 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 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 Nos.194 of 2013, 316 of 2013, 93 of 2013, 216 of 2013, 217 of 2013, 152 of 2013 and 167 of 2013, the same shall be judiciously considered and decided, on the date of surrender itself, however, with notice to the other side. The petitioner is granted seven days time to surrender before the learned Magistrate. During this period, execution of the warrant of arrest against the petitioner will stand suspended.

Sd/-

**P.UBAID
JUDGE**

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/True copy/

P.S to Judge