

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

MONDAY, THE 2ND DAY OF FEBRUARY 2015/13TH MAGHA, 1936

Crl.MC.No. 527 of 2015

CC 296/2014 OF JUDICIAL FIRST CLASS MAGISTRATE COURT - II, PERINTHALMANNA

PETITIONER(S)/ACCUSED:

**CHEKKUNNI HAJI, AGED 82 YEARS,
S/O.YOUSAF, PULATH HOUSE, KARAKKAPARAMBU VANIYAMBALAM,
MALAPPURAM DISTRICT.**

BY ADV. SRI.BABU S. NAIR

RESPONDENT(S)/STATE & COMPLAINANT:

- 1. THE STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, KOCHI - 682 031.**
- 2. THE SUB INSPECTOR OF POLICE,
WANDOOR POLICE STATION, MALAPPURAM DISTRICT,
PIN: 679 328.**

BY PUBLIC PROSECUTOR SMT.P.MAYA

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
02-02-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

Crl.MC.No. 527 of 2015

APPENDIX

PETITIONER(S)' ANNEXURES:

**ANNEXURE A: TRUE COPY OF THE ORDER OF INJUNCTION GRANTED BY THE
MUNSIFF COURT, MANJERI IN IA NO.175/2014 IN OS NO.29/2014
DATED 13/1/2014.**

RESPONDENT(S)' ANNEXURES:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

P. UBAID, J.

Crl.M.C.No.527 of 2015

Dated this the 2nd day of February, 2015

O R D E R

The petitioner herein is the 1st accused in C.C.No. 296/2014 of the Judicial First Class Magistrate Court, Perinthalmanna. 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 consider 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 trial court to decide whether bail could be granted to the petitioner. I do not think that the learned Magistrate will mechanically remand him to judicial custody, when the offences are bailable. 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 circumstance 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.296/2014 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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