

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

THURSDAY, THE 29TH DAY OF JANUARY 2015/9TH MAGHA, 1936

Crl.MC.No. 578 of 2015

IN SC 187/2014 of PRINCIPAL ASSISTANT SESSIONS COURT, ERNAKULAM

CRIME NO. 2404/2012 OF ERNAKULAM CENTRAL POLICE STATION ,
ERNAKULAM

PETITIONERS/ACCUSED:

1. AKHIL APPUKUTTAN, AGED 24 YEARS,
S/O.APPUKUTTAN, KATTITARATHUNDI HOUSE, MARADU,
ERNAKULAM
2. SHAN V.S, AGED 22 YEARS,
S/O.SHAJI, VETTIKAPILLIL HOUSE, VYASAPURAM,
PANANGADU.
3. TINOOB, AGED 23 YEARS,
S/O.CHOTHI, PANAYAKKATHARA NIKARTHIL, PANAVALLI,
ARoor.
4. AKHIL RAJ, AGED 23 YEARS,
S/O.SALIN, KUNNUMURATH HOUSE, CHENDAMANGALAM.
5. VISHNU DAMODARAN, AGED 23 YEARS,
S/O.DAMODARAN, THAIVALAPPIL HOUSE, GOTHURUTHU,
PARAVOOR.
6. AMAL KRISHNA N.P, AGED 23 YEARS,
S/O.KRISHNA, NIKARTHIL HOUSE, NJARAKKAL.

BY ADVS.SRI.R.ROHITH

SRI.SAYED MURTHALA THANGAL

RESPONDENTS/COMPLAINANT:

STATE OF KERALA

REPRESENTED BY THE PUBLIC PROSECUTOR

HIGH COURT OF KERALA, ERNAKULAM-682 031.

BY PUBLIC PROSECUTOR SMT.S.HYMA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 29-01-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Crl.MC.No. 578 of 2015

APPENDIX

PETITIONERS' ANNEXURES:

ANNEXURE-A1. COPY OF THE FIR NO.2404 DATED 14/9/2012 REGISTERED
BY CENTRAL POLICE STATION, ERNAKULAM.

ANNEXURE-A2. COPY OF THE CHARGE SHEET NO.882/2013 DATED 20/2/2013
PREPARED BY CENTRAL POLICE STATION, ERNAKULAM.

ANNEXURE-A3. COPY OF THE JUDGMENT DATED 12/9/2014 IN CRL. MC
NO.5185/2014.

RESPONDENT'S ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.578 of 2015

Dated this the 29th day of January, 2015

O R D E R

The petitioners herein are the six accused in S.C No.187/2014 of the Principal Assistant Sessions Court, Ernakulam. On the apprehension of arrest and remand to judicial custody in execution of a warrant of arrest issued from the court below they seek orders from this Court under Section 482 of the Code of Criminal Procedure directing the court below to recall the warrant, and to release them on bail, or to decide and dispose of their application for bail, without delay. Of course, the relief as sought by the petitioners 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 petitioners. The petitioners will have to surrender before the court below and make application for bail. They will have to explain the reason

for their absence in court, and they will have to explain the circumstances in which the warrant happened to be issued. When such satisfactory explanation is there, the question of releasing them 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 petitioners make application for bail on surrender in S.C No.187/2014, the same shall be judiciously considered and decided, on the date of surrender itself, however, with notice to the other side.

**P.UBAID
JUDGE**

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