

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. 586 of 2015 ()

**IN CP 82/2014 of MUNSIF MAGISTRATE COURT, SASTHAMCOTTA
CRIME NO. 620/2013 OF SASTHAMCOTTA POLICE STATION , KOLLAM**

PETITIONER(S)/ACCUSED 1 TO 4:

- 1. DARVIN AGED 31 YEARS
S/O. THANKACHAN, DIVINE HOUSE, VILANTHARA
VALIYAPADAM MURI, EAST KALLADA VILLAGE, KOLLAM.**
- 2. SHANAVAS AGED 28 YEARS
S/O. SUBERKUTTY, KOTTOOR KIZHAKKATHIL, VILANTHARA
VALIYAPADAM MURI, EAST KALLADA VILLAGE, KOLLAM.**
- 3. BIJU AGED 36 YEARS
S/O. LASER, PUTHUMANGALATH, VILANTHARA
VALIYAPADAM MURI, EAST KALLADA VILLAGE, KOLLAM**
- 4. SURESH AGED 36 YEARS
S/O. JAMES, FISHERMEN COLONY, VILANTHARA
VALIYAPADAM MURI, EAST KALLADA VILLAGE, KOLLAM.**

BY ADV. SRI.AJAYA KUMAR. G

RESPONDENT(S):

**STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.**

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

Crl.MC.No. 586 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

**A1 - CERTIFIED COPY OF THE FINAL REPORT IN CRIME NO. 620/2013 OF THE
SASTHAMKOTTA POLICE STATION.**

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

PA TO JUDGE
sab

P.UBAID, J.

Crl. M.C No. 586 of 2015

Dated this the 2nd day of February, 2015.

O R D E R

The petitioners herein are the accused Nos. 1 to 4 in CP No.82/2014 of the Judicial First Class Magistrate Court, Sasthamkotta. On the apprehension of arrest and remand to judicial custody in execution of a warrant issued from the court they seek orders from this Court under Section 482 of the Code of Criminal Procedure directing the court below to release them on bail. Of course, the relief as sought by the petitioner cannot be granted by this Court under Section 482 of the Code of Criminal Procedure. 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. 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 C.P No.82/2014, the same shall be judiciously considered and decided, on the date of surrender itself, however, with notice to the other side.

P.UBAID,
JUDGE

sab