

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 30TH DAY OF JANUARY 2015/10TH MAGHA, 1936

Cr1.MC.No. 603 of 2015

IN CP 57/2013 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT,
ADOOR
CRIME NO.561/2008 OF ADOOR POLICE STATION

PETITIONER/2ND ACCUSED:

ARUN,
S/O.SOMARAJAN, SANTHI BHAVANAM,
KOTTAPPURAM,
PANNIVIZHA MURI,
ADOOR.

BY ADVS.SRI.T.P.PRADEEP
SRI.P.K.SATHEES KUMAR

RESPONDENT:

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

BY PUBLIC PROSECUTOR SMT.P.MAYA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 30-01-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ab

P.UBAID, J.

Crl.M.C No.603 of 2015

Dated this the 30th day of January, 2015

O R D E R

The petitioner herein is the 2nd accused in C.P No.57/2013 of the Judicial First Class Magistrate Court, Adoor. On the apprehension of arrest and remand to judicial custody in execution of a warrant of arrest issued from the court below 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. The petitioner will have to surrender before the court below 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.P No.57/2013, the same shall be judiciously considered and decided, on the date of surrender itself, however, with notice to the other side. The petitioner is given time for ten days to surrender before the learned Magistrate. In the meantime execution of warrant of arrest will stand suspended.

**P.UBAID
JUDGE**

ab