

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

Crl.MC.No. 611 of 2015 ()

**AGAINST THE ORDER/JUDGMENT IN SC 440/2014 of I ADDL.DISTRICT AND SESSIONS
JUDGE - I, PALAKKAD
CRIME NO. 204/2013 OF OTTAPALAM POLICE STATION , PALAKKAD**

PETITIONER(S)/ACCUSED:

**LAKSHMANAN, AGED 40 YEARS,
S/O.CHATHAN, VETTUKATTIL HOUSE, MELUR,
AMBALAPARA, OTTAPALAM, PALAKKAD.**

BY ADV. SRI.JACOB SEBASTIAN

RESPONDENT(S)/COMPLAINANT:

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

R BY SMT.P.MAYA, PUBLIC PROSECUTOR

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

DG

P. UBAID, J.

Crl.M.C.No.611 of 2015

Dated this the 30th day of January, 2015

O R D E R

The petitioner herein is the accused in S.C. No.440/2014 of the Additional Sessions Court-I, Palakkad. On the apprehension of arrest and remand to judicial custody in execution of a warrant of arrest issued from the court, he seeks orders from this Court under Section 482 of the Code of Criminal Procedure directing the court below 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 trial Judge, who has issued warrant of arrest for proper reasons, will have to consider the request to recall the warrant. It is for the learned trial Judge to decide whether bail could be granted to the petitioner. 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 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 trial judge. Anyway, let appropriate decision regarding bail be taken by the learned trial judge. 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 S.C.No.440/2014, 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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