

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. 631 of 2015 ()

IN CC 664/2014 of JUDICIAL FIRST CLASS MAGISTRATE COURT, TALIPARAMBA

PETITIONER(S)/ACCUSED NO.5:

**RATHEESH REVINDRAN AGED 29 YEARS
S/O.REVINDRAN, THALAPOLIMATTATHIL (H), KUNINJI
KODIKUTHI, PURAPUZHA P.O., THODUPUZHA
IDUKKI DISTRICT-685584.**

BY ADV. SRI.P.B.AJOY

RESPONDENT(S)/STATE/COMPLAINANT:

**STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-682031.**

R 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:**

sab

P.UBAID, J.

Crl. M.C No. 631 of 2015

Dated this the 2nd day of February, 2015.

O R D E R

The petitioner herein is the accused No.5 in C.C No.664/2014 of the Judicial First Class Magistrate Court, Taliparamba. 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 release him on bail. 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. 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 circumstances 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.664/2014, 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