

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 6TH DAY OF FEBRUARY 2015/17TH MAGHA, 1936

Cr1.MC.No. 751 of 2015

IN CRL.M.P NO. 2835/2014 OF THE SESSIONS COURT, KOTTAYAM

CRIME NO. 1254/2014 OF VAIKOM POLICE STATION, KOTTAYAM

PETITIONER:

RAJESH, AGED 38 YEARS,
S/O.KURUMBAN, RESIDING AT PATHUPARATHARAYIL HOUSE,
PADINJAREMURI KARA, NADUVIL VILLAGE, VAIKOM,
KOTTAYAM DISTRICT

BY ADV. SRI.J.ABHILASH

RESPONDENT:

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

BY PUBLIC PROSECUTOR SMT.P.MAYA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
06-02-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

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P.UBAID, J.

Crl.M.C No.751 of 2015

Dated this the 6th day of February, 2015

O R D E R

The petitioner herein is the 1st accused in Crime No.1254/2014 of Vaikom Police Station, registered under Section 392 of the Indian Penal Code. An application filed by him for pre-arrest bail as Crl.M.P No.2835/2014 was disposed of by the learned Sessions Judge, Kottayam with a direction to the petitioner to surrender before the investigating officer within five days from 5.1.2015. He did not surrender as directed. Now he is before this Court under Section 482 of the Code of Criminal Procedure for a direction to the court below to dispose of his application for bail on the date of surrender itself. The court of Session has already granted necessary orders. Probably the learned Sessions Judge directed him to appear before the investigating officer, finding the necessity of interrogation as part of investigation. No doubt, he will have to comply with the direction. After the interrogation process is over, he will definitely be produced before the learned Magistrate as directed by the learned Sessions Judge. Anyway, the present grievance is

that the time granted by the learned Sessions Judge is over. Still he can at any time surrender before the investigating officer as directed by the court. However, a direction is made to the court below that in case the petitioner makes application for bail on surrender before the investigating officer, the application shall be judiciously considered and decided on the date of surrender itself, though the time granted by the Court of Session has expired. The Criminal Miscellaneous Case is accordingly closed.

**P.UBAID
JUDGE**

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