

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 10TH DAY OF FEBRUARY 2015/21ST MAGHA, 1936

Cr1.MC.No. 828 of 2015 ()

AGAINST THE ORDER/JUDGMENT IN CP 80/2014 of JUDICIAL FIRST CLASS
MAGISTRATE COURT, KODUNGALLUR
CRIME NO. 3934/2014 OF KODUNGALLUR POLICE STATION , TRISSUR

PETITIONER(S):

GOPAN, AGED 35 YEARS
S/O.SANKARANARAYANAN, AGED 35 YEARS,
KOLLIKKATHARA HOUSE, MANNARTHAZHAM DESOM,
PULLOOTTI. P.O., KODUNGALLUR

BY ADVS.SRI.C.A.CHACKO
SRI.SEBY JOSEPH
SMT.C.M.CHARISMA

RESPONDENT:

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

BY PUBLIC PROSECUTOR SMT. S. HYMA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
10-02-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

smv

P. UBAID,J.

Crl.M.C No.828 of 2015

Dated this the 10th day of February, 2015

O R D E R

The petitioner herein is the third accused in C.P. No.80/2014 of Judicial First Class Magistrate Court, Kodungallur. 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 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 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 petitioner makes application for bail on surrender in C.P. No.80/2014, 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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P.A. To Judge

JUDGE

smv