

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 11TH DAY OF FEBRUARY 2015/22ND MAGHA, 1936

Cr1.MC.No. 853 of 2015

IN S.C NO.275/2013 OF THE ADDL. SESSIONS COURT - I, KASARAGOD

CRIME NO. 307/2010 OF VELLARIKUNDU POLICE STATION, KASARGOD

PETITIONERS/ACCUSED 1 TO 4:

1. ABDUL KHADER @ KAVU, AGED 37 YEARS,
S/O.ABDULLA, RESIDING AT PUZHAKKARA HOUSE,
PARAPPA,
VELLARIKUNDU TALUK, KASARAGOD DISTRICT.
2. K.KANNAN, AGED 30 YEARS,
S/O.CHANDRASHEKARAN, RESIDING AT KALARICKAL HOUSE,
KUNHIPALLY, BALAL VILLAGE, VELLARIKUNDU TALUK,
KASARAGOD DISTRICT.
3. MUHAMMED NIYAS, AGED 32 YEARS,
S/O.ABDULRAHIM, RESIDING AT CHRUKUNHIL HOUSE,
KAMMADAM,
PARAPPA, VELLARIKUNDU TALUK, KASARAGOD DISTRICT.
4. MAJU JOSEPH, AGED 32 YEARS,
S/O.JOSEPH, RESIDING AT UPPUTTIL HOUSE, KUNHIPALLI,
PARAPPA VILLAGE, VELLARIKUNDU TALUK,
KASARAGOD DISTRICT.

BY ADVS.SRI.T.MADHU
SMT.C.R.SARADAMANI

RESPONDENT/STATE:

STATE OF KERALA OF KERALA THROUGH THE
STATION HOUSE OFFICER,
VALLARIKUNDU POLICE STATION,
KASARAGOD DISTRICT,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031.

BY PUBLIC PROSECUTOR SMT.P.MAYA

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 11-02-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

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P.UBAID, J.

Crl.M.C No. 853 of 2015

Dated this the 11th day of February, 2015

O R D E R

The petitioners herein are the four accused in S.C No.275/2013 of the Additional Sessions Court I, Kasaragod. On the apprehension of arrest and remand to judicial custody in execution of a warrant of arrest issued from the trial court they seek orders from this Court under Section 482 of the Code of Criminal Procedure directing the court below to release them on bail, or to decide and dispose of their application for bail, without delay. Of course, the relief as sought by the petitioners 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 trial court to decide whether bail could be granted to the petitioners. The petitioners will have to surrender before the trial court and make application for bail. They will have to explain the reason for their absence in court, and they will have to explain the circumstances in which warrant happened to be issued. When

such satisfactory explanation is there, the question of releasing them 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 petitioners make application for bail on surrender in S.C No.275/2013, the same shall be judiciously considered and decided, on the date of surrender itself, however, with notice to the other side. The petitioners are granted ten days time to surrender before the court below. In the meantime, execution of the warrant of arrest will stand suspended.

**P.UBAID
JUDGE**

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