

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

Crl.MC.No. 860 of 2015

**CC 215/2007 OF JUDICIAL FIRST CLASS MAGISTRATE COURT - I, KOLLAM.
CRIME NO.676/2001 OF KOLLAM EAST POLICE STATION.**
.....

PETITIONER/3RD ACCUSED:

**SARAN, AGED 30 YEARS,
SON OF S.PRAJAN,
RESIDING AT VAYALIL PUTHEN VEEDU,
THOZHILALI JUNCTION, ULAIYAKOVIL CHERRY,
KOLLAM EAST VILLAGE, KOLLAM DISTRICT.**

**BY ADVS.SRI.JOHNSON GOMEZ
SRI.S.BIJU (KIZHAKKANELA)**

RESPONDENT:

**THE STATE OF KERALA,
REPRESENTED THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA AT ERNAKULAM,
THROUGH THE SUB INSPECTOR OF POLICE,
KOLLAM EAST POLICE STATION, KOLLAM.**

BY PUBLIC PROSECUTOR SMT.S.HYMA

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

mbr/

P. UBAID, J.

Crl.M.C.No.860 of 2015

Dated this the 11th day of February, 2015

O R D E R

The petitioner herein is the 3rd accused in C.C.No.215/2007 of the Judicial First Class Magistrate Court-I, Kollam. 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 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. 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 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.215/2007 the same shall be judiciously considered and decided, on the date of surrender itself, however, with notice to the other side. The petitioner is give time for seven days to surrender before the court below, and make application for bail. During this period, execution of warrant of arrest will stand suspended.

Sd/-

P. UBAID, JUDGE

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