

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 18TH DAY OF FEBRUARY 2015/29TH MAGHA, 1936

Crl.MC.No. 982 of 2015 ()

CRIME NO. 109/2011 OF KOOTHATTUKULAM POLICE STATION , ERNAKULAM

PETITIONERS/ACCUSED 1 TO 3:

1. THANKACHAN,
S/O.POUSE, AGED 46 YEARS,
KIZHAKKEKKARA HOUSE,
ELANJI VILLAGE.
2. MAHEENDRAN,S/O.SIVALINGAM, AGED 31 YEARS,
KONIKUZHIYIL HOUSE, ELANJI VILLAGE.
3. RAMESHAN, S/O.KANNAN, AGED 36 YEARS
CHELAMATTATHIL HOUSE, PERIYAPURAM,
PRESENTLY RESIDING AT PARAYIDATHIL HOUSE,
MUTHOLAPURAM, ELANJI.

BY ADV. SRI.GEORGE SEBASTIAN

RESPONDENT/COMPLAINANT(S):

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 18-02-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Crl.MC.No. 982 of 2015

APPENDIX

PETITIONERS EXHIBITS:

ANNEXURE A: TRUE COPY OF THE RELEVANT EXTRACT OF THE FINAL
REPORT IN CRIME NO.109 OF 2011 OF KOOHATTUKULAM POLICE STATION

RESPONDENTS EXHIBITS

/TRUE COPY/

P.S TO JUDGE

P.UBAID, J.
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**Crl.M.C No.982 of 2015**  
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Dated this the 18th February, 2015

ORDER

The petitioners herein are the three accused in C.C No.56 of 2014 of the Judicial First Class Magistrate's Court, Koothattukulam. 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 recall the warrant and 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 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 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 the 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 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 petitioners make application for bail on surrender in C.C No.56 of 2014, the same shall be judiciously considered and decided, on the date of surrender itself, however, with notice to the other side.

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Sd/-
P.UBAID
JUDGE

/True copy/

P.S to Judge