

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

THURSDAY, THE 19TH DAY OF FEBRUARY 2015/30TH MAGHA, 1936

CrI.MC.No. 1024 of 2015 ()

IN CC 4839/2014 of JUDICIAL MAGISTRATE OF FIRST CLASS, KOTHAMANGALAM

PETITIONER(S)/ACCUSED NO.4;:

**SAKIB HUSSAIN AGED 20 YEARS
S/O.SALAM, VAKAYIL HOUSE, ONIVAYAL
KALPETTA, WAYANAD DISTRICT.**

**BY ADVS.SRI.ANEESH JOSEPH
SRI.NIRMAL V NAIR
SRI.RILGIN V.GEORGE**

RESPONDENT(S)/COMPLAINANT & STATE:

**STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM - 682 031.**

R BY PUBLIC PROSECUTOR SMT. S. HYMA

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 19-02-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

sab

P.UBAID, J.

Crl. M.C No. 1024 of 2015

Dated this the 19th day of February, 2015.

O R D E R

The petitioner herein is the 4th accused in C.C No.4839 of 2014 of the Judicial First Class Magistrate Court, Kothamangalam. On the apprehension of arrest, and remand to judicial custody in execution of a warrant of arrest issued from the trial court he seeks orders from this Court under Section 482 of the Code of Criminal Procedure directing the court below to release him on bail. 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. 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.4839 of 2014 the same shall be judiciously considered and decided, on the date of surrender itself, however, with notice to the other side.

P.UBAID,
JUDGE

sab