

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 24TH DAY OF FEBRUARY 2015/5TH PHALGUNA, 1936

CrI.MC.No. 1135 of 2015 ()

CC 373/2012 of JUDICIAL FIRST CLASS MAGISTRATE COURT-II, ERNAKULAM

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PETITIONER/ACCUSED:

**ANU.P.V, AGED 21 YEARS
S/O.VARKEY, PATTARAKKALYIL HOUSE, MAMALAKANDAM.P.O
KODAPUZHA VILLAGE, KOTHAMANGALAM, ERNAKULAM DISTRICT
PIN-686691.**

**BY ADVS.SRI.PAUL K.VARGHESE
SMT.A.A.GEETHA**

RESPONDENT/COMPLAINANT:

**STATE OF KERALA
REPRESENTED THROUGH PUBLIC PROSECUTOR
HONOURABLE HIGH COURT OF KERALA, ERNAKULAM-682031.**

BY Sr. PUBLIC PROSECUTOR SMT. SAREENA GEORGE P.

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 24-02-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

SD

P. UBAID, J.

Crl.M.C.No.1135 of 2015

Dated this the 24th day of February, 2015

O R D E R

The petitioner herein is the accused in C.C.373/2012 of the Judicial First Class Magistrate Court-II, Ernakulam. 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 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 for bail. It is for the Magistrate to decide whether bail could be granted to the petitioner. The petitioner will have to surrender before the learned Magistrate and make application for bail. I do not think that the learned Magistrate will mechanically remand him to judicial custody. However, the petitioner will have to explain the reason for his absence in court. 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.373/2012, the same shall be judiciously considered and decided, on the date of surrender itself.

Sd/-

P. UBAID, JUDGE

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