

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 25TH DAY OF FEBRUARY 2015/6TH PHALGUNA, 1936

Crl.MC.No. 1173 of 2015

**LP.NO.23/2001 IN CC 40/2001 of JUDICIAL FIRST CLASS MAGISTRATE COURT-II,
HARIPAD**

PETITIONER(S)/ACCUSED:

**GEORGE P. JOHN, AGED 54 YEARS
S/O.YOHANNAN, PUTHENPARAMBIL HOUSE
ATHNIKATHARAYIL URUKKUNNU PO, PUNALLOOR
KOLLAM DISTRICT.**

**BY ADVS.SRI.BECHU KURIAN THOMAS
SRI.ENOCH DAVID SIMON JOEL
SRI.S.SREEDEV**

RESPONDENT(S)/COMPLAINANT/STATE:

**1. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.**

**2. H. KOYAKUNJU
SOORATH MANZIL, KARUVATTA VADAKKU MURI
KARUVATTA VILLAGE, ALAPPUZHA DIST. PIN. 690 517.**

BY SENIOR PUBLIC PROSECUTOR SMT.SAREENA GEORGE P

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 25-02-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

APPENDIX

PETITIONER(S)' ANNEXURES

**ANNX.A1 - CERTIFIED COPY OF THE COMPLAINT IN C.C.40/2001 ON THE FILES
OF THE JUDICIAL FIRST CLASS MAGISTRATE'S COURT, NO.II,
HARIPAD.**

**ANNX.A2 - CERTIFIED COPY OF THE ORDER SHEET IN C.C.40/2001 ON THE FILES
OF THE JUDICIAL FIRST CLASS MAGISTRATE'S COURT, NO.II,
HARIPAD FROM 20-3-2001 TO 25-09-2013.**

RESPONDENT(S)' ANNEXURES

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

P. UBAID, J.

Crl.M.C.No.1173 of 2015

Dated this the 25th day of February, 2015

O R D E R

The petitioner herein is the accused in L.P.No.23/2001 in C.C.No.40/2001 of the Judicial First Class Magistrate Court-II, Haripad. 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 recall the warrant and to release him on bail. 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 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. Anyway, let appropriate decision regarding bail be taken by the learned Magistrate. I do not think that the learned Magistrate will mechanically remand the petitioner to judicial custody, when the offence is bailable under the law. Of

course, the petitioner will have to explain his absence on the previous posting dates. 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 make application for bail on surrender in L.P.No.23/2001 in C.C.No.40/2001, the same shall be judiciously considered and decided, on the date of surrender itself.

Sd/-

P. UBAID, JUDGE

sd