

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

CrI.MC.No. 1176 of 2015 ()

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CC 175/2000 of JUDICIAL FIRST CLASS MAGISTRATE COURT-II, HARIPAD
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PETITIONER/ACCUSED :

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

BY ADV. SRI.BECHU KURIAN THOMAS

RESPONDENTS/COMPLAINANT:

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

**2. N.RATNAN
KAILAS, PILAPPUZHA, NIRANAM
ALAPPUZHA DISTRICT-689 621.**

R1 BY Sr. 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:**

Crl.MC.No. 1176 of 2015 ()

APPENDIX

PETITIONER'S EXHIBITS

**ANNEXURE A1 : CERTIFIED COPY OF THE COMPLAINT IN CC 175/2000 ON THE FILES
OF THE JUDICIAL FIRST CLASS MAGISTRATE'S COURT NO.II,
HARIPAD.**

**ANNEXURE A2 : CERTIFIED COPY OF THE ORDER SHEET IN CC NO.175/2000 ON THE
FILES OF THE JUDICIAL FIRST CLASS MAGISTRATE'S COURT NO.II,
HARIPAD FROM 27.11.2000 TO 4.11.2013.**

RESPONDENTS' EXHIBITS

NIL

// TRUE COPY // P.A. TO JUDGE

SD

P. UBAID, J.

Crl.M.C.No.1176 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.6/2001 (C.C.No.175/2000) 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 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 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. 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 made application for bail on surrender in L.P.No.6/2001 in C.C.No.175/2000, the same shall be judiciously considered and decided, on the date of surrender itself.

Sd/-

P. UBAID, JUDGE

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