

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. 1191 of 2015 ()

**IN CP 169/2014 of J.M.F.C. - I, KARUNAGAPPALLY
CRIME NO. 756/2012 OF KARUNAGAPPALLY POLICE STATION , KOLLAM**

PETITIONER(S):

- 1. GIREESH AGED 23 YEARS
S/O.VIJAYAN, PUTHENPURAKKAL LEKSHAM VEEDU
KOTTACKUPURAM MURI, KULASEKHARAPURAM VILLAGE
KOLLAM DISTRICT**
- 2. BINEESH AGED 24 YEARS
S/O.VIJAYAN, PUTHENPURAKKAL LEKSHAM VEEDU
KOTTACKUPURAM MURI, KULASEKHARAPURAM VILLAGE
KOLLAM DISTRICT**

**BY ADVS.SRI.K.SIJU
SMT.S.SEETHA**

RESPONDENT(S):

**STATE OF KERALA
THROUGH THE SUB INSPECTOR OF POLICE KARUNAGAPPALLY POLICE
STATION REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA.**

R BY 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. 1191 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

**ANNEXURE 1:THE COPY OF THE FIR IN CRIME NO.756/2012 OF KARUNAGAPPALLY
POLICE STATION**

**ANNEXURE 2:THE COPY OF THE FINAL REPORT IN CRIME NO.756/2012 OF
KARUNAGAPPALLY POLICE STATION**

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

PA TO JUDGE
sab

P.UBAID, J.

Crl. M.C No.1191 of 2015

Dated this the 25th day of February, 2015.

O R D E R

The petitioners herein are the accused Nos.1 and 5 in C.P No.169 of 2014 of the Judicial First Class Magistrate Court, Karunagappally. On the apprehension of arrest and remand to judicial custody in execution of a warrant of arrest issued from the court below 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 consider their application for bail. 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 petitioner. The petitioners will have to surrender before the court below, and make application for bail. They will have to explain the reason for their absence in court. 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.P No.169 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