

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

THURSDAY, THE 26TH DAY OF FEBRUARY 2015/7TH PHALGUNA, 1936

Crl.MC.No. 1222 of 2015 ()

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LP 11/2009 of JUDICIAL FIRST CLASS MAGISTRATE COURT-II, PERINTHALMANNA
CRIME NO. 121/2007 OF MELATTUR POLICE STATION , MALAPPURAM DISTRICT
=====**

PETITIONERS:

- 1. SHAHJAHAN, AGED 37 YEARS
S/O. SHAMSUDHEEN, CHARUVILA
PUTHEN VEEDU, CHITHARA
KOTTARAKARA, KOLLAM.**
- 2. SAINABABEEVI, AGED 67 YEARS
CHARUVILA PUTHEN VEEDU
CHITHARA, KOTTARAKARA KOLLAM.**
- 3. SABEENA BEEVI, AGED 42 YEARS
NISAM MANSIL, KAZHUTHURUTHI
THENMALA, KOLLAM.**

BY ADV. SRI.SYAM J SAM

RESPONDENT:

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

BY Sr.PUBLIC PROSECUTOR SMT. SAREENA GEORGE P.1

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 26-02-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

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P. UBAID, J.

Crl.M.C.No.1222 of 2015

Dated this the 26th day of February, 2015

O R D E R

The petitioners herein are the accused in L.P.No.11/2009 of the Judicial First Class Magistrate Court-II, Perinthalmanna. On the apprehension of arrest and remand to judicial custody they seek orders from this Court under Section 482 of the Code of Criminal Procedure directing the court below to decide and dispose of their application for bail, and to release them. Of course, the relief as sought by the petitioners cannot be granted by this Court under Section 482 of the Code of Criminal Procedure. The learned Magistrate will have to consider the application for bail. It is for the learned Magistrate to decide whether bail could be granted to the petitioners. The petitioners will have to surrender before the trial court and make application for bail. They will have to explain the reason for their absence in court. When such satisfactory explanation is there, the question of releasing them 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. I do not think that the learned Magistrate will mechanically remand the petitioners to judicial custody. 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 L.P.No.11/2009, the same shall be judiciously considered and decided, on the date of surrender itself.

Sd/-

P. UBAID, JUDGE

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