

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

FRIDAY, THE 27TH DAY OF FEBRUARY 2015/8TH PHALGUNA, 1936

Crl.MC.No. 1256 of 2015 ()

**CP 174/2014 of JUDICIAL FIRST CLASS MAGISTRATE COURT,
KARUNAGAPPALLY
CRIME NO. 199/2012 OF OCHIRA POLICE STATION , KOLLAM**

PETITIONERS:

- 1. JOBY
S/O. PAZHANIKKUTTY,
KOCHUPARAMBIL PATTATHILKADAVU,
CLAPPANA. P.O. AND VILLAGE,
KARUNAGAPPALLY TALUK, KOLLAM DISTRICT.**
- 2. MIDHUN CHAKRAVARTHY @ KOCHUKUTTAN,
S/O. SUBRAMANIYAN,
ALIMMOOTIL HOUSE, AZEEKKAL P.O.,
ALAPPADU VILLAGE, KARUNAGAPALLY TALUK,
KOLLAM DISTRICT.**

**BY ADVS.SRI.N.P.PRAJEESH
SRI.BIJO THOMAS GEORGE**

RESPONDENTS:

- 1. STATE OF KERALA, REPRESENTED BY THE INSPECTOR OF
POLICE, KARUNAGAPPALLY POLICE CIRCE, KOLLAM
DISTRICT, BY PUBLIC PROSECUTOR, HIGH COURT OF
KERALA, ERNAKULAM.**
- 2. SUB INSPECTOR OF POLICEM
OACHIRA POLICE STATION, KOLLAM DISTRICT,
BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.**

BY PUBLIC PROSECUTOR SRI. V.S. SREEJITH

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR
ADMISSION ON 27-02-2015, THE COURT ON THE SAME DAY
PASSED THE FOLLOWING:**

Crl.MC.No. 1256 of 2015

APPENDIX

PETITIONERS' ANNEXURES:

**ANNEXURE A : PHOTOCOPY OF FINAL REPORT IN CRIME
NO.199/2012 OF OCHIRA POLICE AND PENDING AS C.P.174/14
BEFORE J.F.M.C., KARUNAGAPPALLY.**

RESPONDENTS' ANNEXURES: NIL

//TRUE COPY//

P.A. TO JUDGE

smv

K. ABRAHAM MATHEW,J.

Crl.M.C. No.1256 of 2015

Dated this the 27th day of February, 2015

ORDER

Petitioners are accused Nos.5 and 6 in C.P. No.174 of 2014 of the Judicial First Class Magistrate, Karunagappally. They are alleged to have committed offences under Sections 354, 395 and 402 of IPC. The prayer is to issue a direction of the Magistrate to grant bail to the petitioners.

2. Heard the learned counsel for the petitioner and the learned Public Prosecutor.

3. To grant or not to grant bail is in the discretion of the learned Magistrate. This Court cannot issue a direction in this regard. It is pertinent to note that the petitioners apprehend that they will not be sent to custody as they failed to appear in response to the summons. The learned Magistrate has issued non-bailable arrest warrant against them. In any view of the matter, this petition is not maintainable.

In the result, this application is dismissed. The learned Magistrate may dispose of the application for bail on merits

irrespective of the fact that the petitioners failed to appear in response to the summons. He shall not send them to custody for the sole reason that this petition has been dismissed.

Sd/-
K. ABRAHAM MATHEW, JUDGE

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P.A to Judge

smv