

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 4TH DAY OF MARCH 2015/13TH PHALGUNA, 1936

CrI.MC.No. 1323 of 2015 ()

AGAINST CP 65/2014 of J.M.F.C.,CHAVAKKAD
CRIME NO. 669/2013 OF VADANAPPALLY POLICE STATION , TRISSUR

PETITIONER(S)/SOLE ACCUSED:

PRADEEP T.V. AGED 39 YEARS
S/O.VELAYUDHAN, THYILI HOUS, VATANAPPILLY P.O.
GANESAMANGALAM, CHAVAKKAD TALUK, THRISSUR DISTRICT

BY ADV. SRI.RAJIT

RESPONDENT(S)/STATE:

STATE OF KERALA
REP. BY PUBLIC PROSECUTOR HIGH COURT OF KERALA
ERNAKULAM

BY PUBLIC PROSECUTOR SMT.SAREENA GEORGE.P

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
04-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

P.UBAID, J.
~~~~~  
**Crl.M.C No.1323 of 2015**  
~~~~~  
Dated this the 4th March 2015

ORDER

The petitioner herein is the sole accused in C.P No.65 of 2014 of the Judicial First Class Magistrate's Court, Chavakkad. 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 decide and dispose of his application for bail, without delay. Of course, the main 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 to recall the warrant. It is for the court below to decide whether bail could be granted to the petitioner. Of course, 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. 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 makes application for bail on surrender in C.P No.65 of 2014, the same shall be judiciously considered and decided, on the date of surrender itself, however, with notice to the other side.

**Sd/-
P.UBAID
JUDGE**

ma

/True copy/

P.S to Judge