

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

THURSDAY, THE 5TH DAY OF MARCH 2015/14TH PHALGUNA, 1936

Cr1.MC.No. 1396 of 2015

IN C.P 36/2013 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT,
PATTAMBI

CRIME NO. 1/2011 OF PATTAMBI POLICE STATION, PALAKKAD

PETITIONER/8TH ACCUSED:

MAHESH, AGED 36 YEARS,
S/O.NARAYANAN, CHOLAYIL HOUSE,
MANNENGODE P.O, KOPPAM,
PATTAMBI, PALAKKAD DT. 679 307.

BY ADV. SRI.A.HAROON RASHEED

RESPONDENT/COMPLAINANT:

STATE OF KERALA
REPRESENTED BY THE SUB INSPECTOR OF POLICE,
PATTAMBI POLICE STATION, PALAKKAD DISTRICT
THROUGHTHE PUBLIC PROSECUTOR
HIGH COURT OF KERALA,
ERNAKULAM.

BY SR. PUBLIC PROSECUTOR SMT.SAREENA GEORGE.P

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 05-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ab

P.UBAID, J.

Crl.M.C No.1396 of 2015

Dated this the 5th day of March, 2015

O R D E R

The petitioner herein is the 8th accused in C.P No.36/2013 of the Judicial First Class Magistrate Court, Pattambi. 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 release him on bail. 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 to recall the warrant. It is for the learned Magistrate 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 trial judge. 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.36/2013 the same shall be judiciously considered and decided, on the date of surrender itself, however, with notice to the other side.

**P.UBAID
JUDGE**

ab