

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 6TH DAY OF MARCH 2015/15TH PHALGUNA, 1936

Cr1.MC.No. 1434 of 2015

IN C.P NO. 161/2014 OF THE JUDICIAL FIRST CLASS MAGISTRATE
COURT -I, HOSDRUG

CRIME NO. 176/2013 OF CHANDERA POLICE STATION, KASARGOD

PETITIONER/6TH ACCUSED:

ABDUL LATHEEF T.K.M, AGED 33 YEARS,
S/O.AYISHA, T.K.M HOUSE
EDACHAKKAI,
P.O UDINOOR,
KASARGOD

BY ADV. SRI.I.V.PRAMOD

RESPONDENT/COMPLAINANT & STATE:

STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA,
ERNAKULAM,
PIN-682031

BY SR. PUBLIC PROSECUTOR SMT.SAREENA GEORGE.P

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 06-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Cr1.MC.No. 1434 of 2015

APPENDIX

PETITIONER'S ANNEXURES:

ANNEXURE A1: COPY OF THE FIR NO.176/2013 DATED 13.3.2013 CHANDERA
POLICE STATION

ANNEXURE A2: COPY OF THE FINAL REPORT IN C.P NO.161/2014DATED
22.10.2014 BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE COURT I,
HOSDURG.

RESPONDENT'S ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.1434 of 2015

Dated this the 6th day of March, 2015

O R D E R

The petitioner herein is the 6th accused in C.P No.161/2014 of the Judicial First Class Magistrate Court I, Hosdurg. 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. Of course, 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 learned Magistrate 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.161/2014, the same shall be judiciously considered and decided, on the date of surrender itself, however, with notice to the other side.

**P.UBAID
JUDGE**

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