

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

MONDAY, THE 9TH DAY OF MARCH 2015/18TH PHALGUNA, 1936

CrI.MC.No. 1442 of 2015 ()

AGAINST THE ORDER IN LP 140/2014 of ADDL.C.J.M.(E&O),ERNAKULAM DATED
20-03-2014

PETITIONER(S):

SAJU XAVIER
S/O.XAVIER, THUDIYANPLAKAL HOUSE, PAISAKARI P.O.
PAYYAVOOR, THALIPARAMBU.

BY ADVS.SRI.DINNY THOMAS
SRI.JAISHANKAR V.NAIR

RESPONDENT(S):

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

BY PUBLIC PROSECUTOR SMT.SAREENA GEORGE.P

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
09-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Crl.MC.No. 1442 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

ANNEXURE-A: TRUE COPY OF THE NOTICE ISSUED BY THE COURT BELOW UNDER
SECTION 82-83 CR.P.C.

RESPONDENT(S)' EXHIBITS

/TRUE COPY/

P.S TO JUDGE

P.UBAID, J.
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**Crl.M.C No.1442 of 2015**  
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Dated this the 9th March 2015

ORDER

The petitioner herein is the sole accused in C.C No.66 of 2011 now pending as L.P. No.140 of 2014 of the Additional Chief Judicial Magistrate's Court, (Economic Offences), Ernakulam. 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 release him on bail, or 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 for bail. It is for the court below 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. I do not think that the learned Magistrate will mechanically remand the petitioner to judicial custody when the offences are bailable. 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 L.P No 140 of 2014, the same shall be judiciously considered and decided, on the date of surrender itself, however, with notice to the other side. The petitioner is granted seven days time to surrender before the learned Magistrate and to make application for bail.

**Sd/-
P.UBAID
JUDGE**

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/True copy/

P.S to Judge