

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 11TH DAY OF MARCH 2015/20TH PHALGUNA, 1936

Cr1.MC.No. 1550 of 2015 ()

IN CC 2309/2012 of JUDICIAL FIRST CLASS MAGISTRATE COURT -I,
KOCHI

PETITIONER(S)/ACCUSED NO.11:

JAIMON JOSEPH,
AGED 26 YEARS, S/O.JOSEPH P.V.,
PUTHUSSEY HOUSE, NJARACKAL,
KOCHI - 682 505.

BY ADVS.SRI.K.R.VINOD
MS.JENCY SUSAN JOSE
SRI.V.SRI NATH.

RESPONDENT(S)/COMPLAINANT:

STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA,
ERNAKULAM - 682 031.

BY SENIOR PUBLIC PROSECUTOR SMT. SAREENA GEORGE P.

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 11-03-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

ivs.

P. UBAID, J.

Crl.M.C.No.1550 of 2015

Dated this the 11th day of March, 2015

JUDGMENT

The petitioner herein is the 11th accused in C.C.No.2309/2012 of the Judicial First Class Magistrate Court-I, Kochi. 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 decide and dispose of his application for bail, without delay. The case now stands transferred to the Judicial First Class Magistrate Court, Njarakkal. The learned Magistrate, who has issued warrant of arrest for proper reasons, will have to consider the request for bail. It is for the trial court 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. It is submitted that the offences are bailable. When such satisfactory explanation is there, the question of releasing him on bail on appropriate conditions can be thought of by the learned Magistrate. 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.C.No.2309/2012 of the Judicial First Class Magistrate Court-I, Kochi, which stands transferred to the Judicial First Class Magistrate Court, Njarakkal, the same shall be judiciously considered and decided, on the date of surrender itself. The petitioner is given time for seven days to surrender before the court below and make application for bail. During this period, execution of warrant of arrest and other steps will stand suspended.

Sd/-

P. UBAID, JUDGE

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