

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 13TH DAY OF MARCH 2015/22ND PHALGUNA, 1936

CrI.MC.No. 1618 of 2015 ()

**IN LP 10/2006 of J.M.F.C-II, KANJIRAPPALLY
CRIME NO. 672/2002 OF ERUMELI POLICE STATION , KOTTAYAM**

PETITIONER(S)/ACCUSED:

**THOMASKUTTY
S/O.KUNJUKUNJU, KALLINGAL HOUSE, ARUVACHANKUZHI
KOLLAMULA VILLAGE, MUKKOOTTUTHARA, KOTTAYAM DISTRICT.**

BY ADV. SRI.S.NIDHEESH

RESPONDENT(S)/COMPLAINANT & STATE:

**THE STATE OF KERALA,
REP. BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM.**

R BY PUBLIC PROSECUTOR SMT. SAREENA GEORGE. P.

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 13-03-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

APPENDIX

PETITIONERS ANNEXURES:

- I. TRUE COPY OF THE COMPLAINT DATED 17.12.2002**
- II. TRUE COPY OF THE FIR IN CRIME NO.672 OF 2002 OF ERUMELI POLICE STATION**
- III. TRUE COPY OF THE REPORT OF THE S.I OF POLICE, ERUMELY**
- IV. TRUE COPY OF THE REPORT OF THE S.I OF POLICE, ERUMELY**
- V. TRUE COPY OF THE REPORT OF THE S.I OF POLICE, ERUMELY**
- VI. TRUE COPY OF THE REPORT OF THE S.I OF POLICE, ERUMELY**
- VII. TRUE COPY OF THE REPORT AND SWORN STATEMENT OF THE VILLAGE OFFICER DATED 31.12.2005**

RESPONDENTS ANNEXURES: NIL

/TRUE COPY/

PA TO JUDGE
sab

P.UBAID, J.

Crl. M.C No. 1618 of 2015

Dated this the 13th day of March, 2015.

O R D E R

The petitioner herein is the third accused in Crime No.672/2002 of the Erumeli Police Station. On the apprehension of arrest and remand to judicial custody in execution of a warrant of arrest issued from the Judicial First Class Magistrate Court-II, Kanjirappally, he seeks orders from this Court under Section 482 of the Code of Criminal Procedure, directing the court below to withdraw the non bailable warrant and other proceedings. 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 and other steps for proper reasons, will have to consider the request to withdraw the warrant. It is for the trial court 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. 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.10 of 2006, the same shall be judiciously considered and decided, on the date of surrender itself.

P.UBAID,
JUDGE

sab