

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

Crl.MC.No. 1640 of 2015 ()

**CC 483/2009 of JUDICIAL FIRST CLASS MAGISTRATE COURT COURT,TALIPARAMBA
CRIME NO. 599/2008 OF THALIPARAMBA POLICE STATION, KANNUR DISTRICT**
=====

PETITIONER/ACCUSED:

**SHAJAN V.R., AGED 48 YEARS
S/O. RAGHAVAN, MANNANCHERRY HOUSE
AMBALAPPADI, ERANHIKKAL POST
KOZHIKODE-673303**

BY ADV. SRI.K.P.SUDHEER

RESPONDENT/STATE:

**STATE OF KERALA, REPRESENTED BY
ITS PUBLIC PROSCUTOR, HIGH COURT
OF KERALA, ERNAKULAM, REPRESENTING
SUB INSPECTOR OF POLICE
THALIPARAMBA POLICE STATION
THALIPARAMBA, KANNUR DISTRICT**

BY Sr. 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:**

SD

P.UBAID, J.

Crl.M.C No.1640 of 2015

Dated this the 13th March, 2015

O R D E R

The petitioner herein is the 1st accused in C.C.483/2009 the Judicial First Class Magistrate Court, Thaliparamba. On the apprehension of arrest and remand to judicial custody in execution of a warrant of arrest issued by the learned Magistrate 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. 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. As regards the other requests to accept the same sureties, and for exemption from personal appearance, the petitioner will have to apply before the trial court, and appropriate orders will be passed by the learned Magistrate.

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.483/2009 the Judicial First Class Magistrate Court, Thaliparamba, the same shall be judiciously considered and decided, on the date of surrender itself, however, with notice to the other side.

Sd/-

P.UBAID, JUDGE

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