

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 18TH DAY OF MARCH 2015/27TH PHALGUNA, 1936

CrI.MC.No. 1736 of 2015 ()

**CP 427/2014 of JUDICIAL FIRST CLASS MAGISTRATE COURT-I, KASARAGOD
CRIME NO. 22/2009 OF BADIADKA EXCISE RANGE, KASARAGOD DISTRICT**

PETITIONER/ACCUSED:

**GANGADHARA GOWDA, AGED 47 YEARS
S/O.KRISHNA GOWDA, RESIDING AT BERIKA
NETTANIGE VILLAGE, KASARAGOD.**

BY ADV. SRI.T.G.RAJENDRAN

RESPONDENT/COMPLAINANT/STATE:

**1. THE EXCISE INSPECTOR
BADIADKA EXCISE RANGE, PIN - 671 124.**

**2. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.**

BY Sr. PUBLIC PROSECUTOR SMT. SAREENA GEORGE P.

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 18-03-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Crl.MC.No. 1736 of 2015 ()

APPENDIX

PETITIONER'S EXHIBITS

ANNEXURE I. TRUE COPY OF THE FINAL REPORT.

RESPONDENTS' EXHIBITS

NIL

// TRUE COPY // P.A. TO JUDGE

SD

P. UBAID, J.

Crl.M.C.No.1736 of 2015

Dated this the 18th day of March, 2015

O R D E R

The petitioner herein is the accused in CR.No.22/2009 of the Badiadka Excise Range, Kasaragod. 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 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 trial court 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 CR.No.22/2009 of the Badiadka Excise Range, Kasaragod, 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 will stand suspended.

Sd/-

P. UBAID, JUDGE

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