

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

Crl.MC.No. 1739 of 2015 ()

LP 38/2012 of JUDICIAL FIRST CLASS MAGISTRATE COURT-II, ALUVA

PETITIONER/ACCUSED:

**ABDUL FAZAL @ FAISAL
S/O. ABDULKHADER, KOLLAMPARAMBIL VEEDU
MANAKKAPPADI KARA, KARUMALLOOR VILLAGE, ERNAKULAM**

**BY ADVS.SRI.DINESH MATHEW J.MURICKEN
SRI.K.A.ABHILASH**

RESPONDENT/COMPLAINANT:

**STATE OF KERALA, REPRESENTED
BY THE SUB INSPECTOR OF POLICE
ANGAMALY POLICE STATION, THROUGH
THE 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. 1739 of 2015 ()

APPENDIX

PETITIONER'S EXHIBITS

**ANNEXURE A1: COPY OF THE FINAL REPORT IN CRIME NO 637 OF 2002 ON THE FILE
OF JUDICIAL FIRST CLASS MAGISTRATE COURT-II, ALUVA DATED
27.12.2002**

RESPONDENT'S EXHIBITS

NIL

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

SD

P. UBAID, J.

Crl.M.C.No.1739 of 2015

Dated this the 18th day of March, 2015

O R D E R

The petitioner herein is the 3rd accused in C.C.No.71/2003 of the Judicial First Class Magistrate Court-II, Aluva. The case against the petitioner was split up and refiled as C.C.No.1170/2008, and later, it was transferred to the register of long pending cases as L.P.No.38/2012. 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 consider his bail application on the date of surrender itself. The learned Magistrate, who has issued warrant of arrest for proper reasons, will have to consider the request for bail. 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.

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.38/2012 of the Judicial First Class Magistrate Court-II, Aluva, the same shall be judiciously considered and decided on the date of surrender itself.

Sd/-

P. UBAID, JUDGE

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