

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

THURSDAY, THE 19TH DAY OF MARCH 2015/28TH PHALGUNA, 1936

Crl.MC.No. 1774 of 2015 ()

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AGAINST CC 103/2007 of J.M.F.C.-II, ERNAKULAM  
CRIME NO. 1723/2006 OF ERNAKULAM CENTRAL POLICE STATION , ERNAKULAM

PETITIONER(S)/ACCUSED NO.1 & 2:-:

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1. SHIJOB,  
MULAKKAPPILLY HOUSE, EDAPPALLY VILLAGE  
NORTH EDAPPALLY P.O., ERNAKULAM DISTRICT.
2. JOHNSON,  
VALLARAYIL HOUSE, KANIKKAL P.O., ELAPPILLY  
THODUPUZZHA, IDUKKI DISTRICT.

BY ADV. SMT.NIMA JACOB

RESPONDENT(S)/COMPLAINANT:-:

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

BY PUBLIC PROSECUTOR SMT.SAREENA GEORGE.P

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON  
19-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**P.UBAID, J.**  
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**Crl.M.C No.1774 of 2015**  
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**Dated this the 19<sup>th</sup> March, 2015**

**ORDER**

The petitioners herein are the accused Nos.1 and 2 in C.C No.103 of 2007 of the Judicial First Class Magistrate's Court-II, Ernakulam. On the apprehension of arrest and remand to judicial custody in execution of a warrant of arrest issued from the court below, they seek orders from this Court under Section 482 of the Code of Criminal Procedure directing the court below to decide and dispose of their application for bail, without delay. The learned Magistrate, who has issued warrant of arrest for proper reasons, will have to consider the request. It is for the court below to decide whether bail could be granted to the petitioners. The petitioners will have to surrender before the trial court and make application for bail. They will have to explain the reason for their 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 petitioners make application for bail on surrender in C.C. No.103 of 2007, 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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/True copy/

P.S to Judge