

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

Cr1.MC.No. 1779 of 2015

IN C.C NO.575/2011 OF THE JUDICIAL FIRST CLASS MAGISTRATE
COURT, KOTHAMANGALAM

CRIME NO.221/2004 OF VALLOORKUNNAM POLICE STATION

PETITIONER:

P.A.NIZAM, AGED 30 YEARS,
S/O. ABOOBACKER, RESIDING AT PERUMCHALIL HOUSE,
PALLARIMANGALAM P.O., KUDAMUNDA,
KOTHAMANGALAM TALUK,
ERNAKULAM DISTRICT - 686 691.

BY ADV. SRI.PEEYUS A.KOTTAM

RESPONDENT/COMPLAINANT/STATE:

STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM, COCHIN - 682 031
REPRESENTED BY THE SUB INSPECTOR OF POLICE
KOTHAMANGALAM POLICE STATION.

BY SR. PUBLIC PROSECUTOR SMT.SAREENA GEORGE

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

Cr1.MC.No. 1779 of 2015

APPENDIX

PETITIONER'S ANNEXURES:

A1 - COPY OF THE CHARGE SHEET DT. 10.9.11 FILED BY THE RESPONDENT
BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE COURT KOTHAMANGALAM IN
CC NO 575/11.

RESPONDENT'S ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.1779 of 2015

Dated this the 19th day of March, 2015

O R D E R

The petitioner herein is the 1st accused in C.C No.575/2011 of Judicial First Class Magistrate Court, Kothamangalam. On the apprehension of arrest and remand to judicial custody in execution of a warrant of arrest issued from the court below he seeks orders from this Court under Section 482 of the Code of Criminal Procedure directing the court below to release him on bail 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. 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 C.C No.575/2011, the same shall be judiciously considered and decided, on the date of surrender itself.

**P.UBAID
JUDGE**

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